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### **The Great Powers and Genocide: Lessons from Rwanda**

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# **The Great Powers and Genocide**

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## **Lessons from Rwanda**

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*"We are all to be held accountable for this failure, all of us, the great powers, African countries, the NGOs, the international community. It is a genocide. . . . I have failed. . . . It is a scandal."*<sup>1</sup>

—UN Secretary-General Boutros Boutros-Ghali

### Genocide and the Threat to Global Governance

The December 1999 UN report on the Rwandan genocide, commissioned by UN Secretary General Kofi Annan, echoes and amplifies Boutros Boutros-Ghali's condemnation. Implicated are his office, the United Nations—notably the permanent members of the Security Council—and the international community as a whole for their failure to prevent the Rwandan genocide.<sup>2</sup> The report prompts this proposal, sketched below, to enlist the great powers and, specifically, the permanent members of the United Nations Security Council to eradicate genocide as a political practice. Through concerted action genocide can conceivably be eventually eliminated, in much the same way that the great powers, with Britain in the lead, ended the slave trade in the nineteenth century and then slavery itself over a century of persistent effort.

Genocide threatens not only the human rights of tens of millions of peoples but also international security. That connection was recognized over a half century ago by the United Nations in passing the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>3</sup> These links between human rights and security are no less fused today. The Rwandan genocide, not to mention genocidal episodes in Bosnia, Kosovo, and East Timor more recently,<sup>4</sup> raise profound issues for global governance, let alone the welfare, of what is now a world society of states and peoples for the first time in human history. What is at stake is not just the saving of millions of lives and the homelands of the unfortunate peoples caught in the maw of these cleansing operations. Also at risk, and of paramount political importance, is the preservation and enlargement of a stable global order, threatened by the failure of the big powers to meet their responsibilities under the UN Charter. The Rwandan case reveals deep splits among the great powers over humanitarian intervention. It raises disquieting questions about the prevailing norms and rules—those actually legitimated, practiced, and enforced—by which a decentralized international system of nation-states and an emerging international civil society of diverse and divided peoples will be governed in the new millennium.

These issues of order and legitimacy are hardly new. They were essentially those posed at the Congress of Vienna almost two centuries ago when the rules for the governance of the then emerging world society were initially delineated.<sup>5</sup> They are no closer to being resolved today than they were then, less so in many ways by the very universalization of the nation-state as the principal unit of governance for the world's populations.<sup>6</sup> This decentralized and incipiently anarchic system overlays a process of increasing interdependence of the world's peoples, ensnared in progressively enlarging, deepening, ever thickening real-time exchanges. These increase the number and frequency of potential conflicts among communally or ideologically divided peoples within and across state boundaries. In these conflicts the coercive power of states is both the stake and arbitrator of these differences.<sup>7</sup>

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<sup>1</sup> UN Secretary-General Boutros Boutros-Ghali, quoted by Prunier (1995), p. 277, from *Le Monde*, May 27, 1994, speaking about the genocide in Rwanda. (Italics added.)

<sup>2</sup> *Report of the Independent Inquiry into the Actions of the United Nations during the 1944 Genocide in Rwanda*, 15 December 1999, [http://www.un.org/News/press/docs/1999/19991219\\_rwanda\\_report.htm](http://www.un.org/News/press/docs/1999/19991219_rwanda_report.htm).

<sup>3</sup> Kuper (1981), pp. 19–39, summarizes the UN debates over the convention.

<sup>4</sup> See Gurr (1993; 1994) for a list of ethnic rivalries, placing minorities at risk around the globe. For extensive references to the literature on ethnic conflict within the context of an unconventional argument favoring separation and displacement of populations, consult Kaufman (1996). Insightful commentaries on ethnic conflicts and how they might be terminated are found, inter alia, in these edited works: Brown (1996; 1993); Zartman (1995). These studies converge on the proposition that ethnic strife is one of the principal threats not only to international security but also to the sustainability and replication of the currently Westcentric coalition of liberal democratic, market states and their civil societies. As Charles Maynes observes, "Indeed, animosity among ethnic groups is beginning to rival the spread of nuclear weapons as the most serious threat to peace that the world faces." Maynes (1993), p. 5. See also Gelb (1995).

<sup>5</sup> Schroeder (1994). Also Johnson (1991); Kissinger (1957).

<sup>6</sup> For many cooperation theorists, small numbers are crucial for sustained cooperation. Cooperation is viewed as the inverse proportion of the number of interacting actors under conditions of preference diversity and division. See Baldwin (1993); Oye (1986), *passim*.

<sup>7</sup> Inter alia, see Krasner (1995); Little (1993); Trachtenberg (1993) for overviews of state intervention in the domestic affairs of other states. For the nineteenth century, inter alia, see Schroeder (1994) and Taylor (1954). For commentary that is still useful and insightful,

The Rwandan tragedy, set within a larger, imploding central Africa, testifies to the continuing force of genocidal politics;<sup>8</sup> civil and interstate wars in the region now merge and borders scarcely signify state authority and power. Domestic rivals are induced to control or influence neighboring states if they are to prevail in their local struggles. The effects of genocide are not easily contained within the borders of a single state. Like the ripples generated by a peddle cast into a pond, the genocide of Rwanda and succeeding genocidal episodes extending across central Africa impact on an increasingly globalized world society and its intertwined politics.

The failure of the international community and its responsible agents—principally the great powers—to deter, staunch, and eliminate genocide and incipient genocidal practices has two adverse effects: it encourages rivals and states to resort to genocide as a final solution for their conflicts, and it reinforces genocide and genocidal practices as a working rule of global governance, however universal the moral condemnation of genocide or however much such practices violate international law. Genocidal solutions to local and regional struggles become, ipso facto, political and strategic rules of thumb for would-be perpetrators. This practice becomes further entrenched in the politics of global governance and persists as a credible, if execrable, option in resolving political differences among the world's divided peoples.

An anti-genocide regime would establish a normative and institutional foundation on which the ongoing process of global governance could proceed. As the extreme case of crimes against humanity, genocide tests whether the big powers can limit and eventually eliminate this practice as inconsistent with international civil conduct and the rule of law. Until now, they have failed to reach consensus on the criteria to define genocide, on the threat it poses to international security, or how it should be addressed by pooling the international community's resources and will. If the big powers fail this test, one should not expect them to make much progress in executing their responsibilities under Chapters VI and VII of the UN Charter in combating and punishing crimes against humanity that, however odious, fall short of genocide. By focusing on preventable and containable cases, like Rwanda, the United Nations and the big powers can begin anew to repair the damage to international norms and to big power cohesion wrought by their willful inaction to stop genocide not only in Rwanda but elsewhere throughout the globe during the postwar era.<sup>9</sup>

Rwanda, the touchstone for this analysis, is viewed below as a thread in a larger pattern of genocidal behavior within a yet more complex tapestry of global politics. Incentives to resort to genocide are to be found not *out* but *inside* world politics. From this perspective, the Rwandan genocide is not an aberrant form of behavior, however repulsive and nauseating its properties. Nor is it simply the product of atavistic forces, as Schumpeter suggests and as many believe today.<sup>10</sup> More troubling, the Rwandan case illustrates that genocide and episodes of genocide represent the extreme, logical conclusion of the calculations of rivals seeking a final solution to their conflicts with opponents. The trick is to extract these damaged genocidal threads from the tapestry of world politics without unraveling the fabric itself or undoing big power cohesion, the warp and woof keeping the cloth whole. Modernization and globalization in all of their dimensions will continue to weave states and people together in ever more interdependent and mutually contingent ways. Whether this process will progress more by consensus over coercion will depend on great power cooperation. Eliminating this particularly noxious form of political behavior will determine in some appreciable measure whether the great powers, with the means up to the job, will direct the evolution of the world society in ways less threatening to all peoples. In turn, the creation of an anti-genocide regime is a critical test of big power cooperation, a precondition for the evolution of a peaceful world society.

The remaining discussion is divided into three sections. The first summarizes the prevailing, if circumscribed, moral and legal consensus against genocide. It also outlines three lines of argument to broaden the foundation of this consensus. Other human rights, including protection against other crimes against

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although biased in favor of interstate order, state sovereignty, and nonintervention over humanitarian rights, see Bull (1984b), especially Bull's summary of the views of contributors, pp. 181–95, and Stanley Hoffmann's projection that the prospects for continued intervention, however defined, were bright, pp. 7–44. Hoffmann's prescience derives from his grasp of the internal contradictions of a self-help system of sovereign nation-states and the principle of nonintervention in the domestic affairs of states. Under conditions of increasing interdependence, states can hardly be indifferent to the outcomes of the domestic politics of other states.

<sup>8</sup> This point is succinctly made by Ogenda Otunnu (1999).

<sup>9</sup> Kuper (1981; 1985) reviews these many failures to cope with genocide. This analysis stresses the political incentives driving rivals to resort to violence and the corresponding need to develop international institutions to blunt and thwart these incentives.

<sup>10</sup> Schumpeter (1955). See also Kuper (1981). Chapter 2 reviews a range of theories of genocide.

humanity, might well qualify, now or in the future, to the privileged standing accorded an anti-genocide right,<sup>11</sup> but these claims fall beyond the scope of the present discussion.<sup>12</sup> Eliciting consent and material support from the international community—principally the big powers—to end genocide is sufficiently daunting, as recent experience makes abundantly clear, to focus on this primordial threat to human rights and international security. Given the progress made over this century in marshaling moral and legal supports for its eradication, it would appear to be a feasible, if still long-term, aim.<sup>13</sup>

The second section briefly dissects the Rwanda genocide to identify the principal structural political and strategic factors explaining the failure of the United Nations and the great powers to address either the Rwandan crisis or genocide, more widely, since the formation of the United Nations. The Rwandan calamity exposes the principal constraints impeding the peoples and states of the world society to end genocide. These constraints comprise the obstacles that must be surmounted if progress is to be made in privileging consent over coercion in managing or resolving the conflicts of peoples and states.

In response to this diagnosis of why moral and legal prohibitions against genocide do not match with political and strategic incentives for the continued practice of genocide, a final section proposes practical steps to bridge this gap. Just as slavery took centuries to eliminate, so the eradication of genocide involves a long-term political process and distant goal. Achieving this aim, if possible at all, will not come about sometime soon, or all at once. Eliminating the threat of genocide in a world of peoples divided against themselves would necessitate nothing short of a fundamental transformation of the nation-state system and a profound reformulation of widely held but narrowly conceived notions of national interest. The paradox of the diversity and pluralism of the world's peoples, as Leo Kuper points out,<sup>14</sup> is that it is the necessary context within which genocide and genocidal episodes arise. It is also the constraint under which it have to be eliminated, if at all. This dual condition also precludes its easy eradication. Reliance on the expectation of political, socioeconomic, and cultural convergence of the world's populations, or what some conceive as the end of history, appear utopian.<sup>15</sup> Realization of that vision is not likely to occur in the near future, nor is that prospect viewed as desirable by the vast majority of the world's enlarging and differentiated populations.<sup>16</sup>

### **Broadening and Deepening the Anti-Genocide Regime: Moral and Legal Dimensions**

This proposal to end genocide is modest, when measured against the enormity of the Rwandan atrocities and, even more so, when viewed against the backdrop of the long, conflict-ridden biosocial evolution of the human

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<sup>11</sup> The literature on humanitarian intervention or, more broadly, intervention of all kinds, including coercive means, to protect and extend human rights, other international norms to the contrary notwithstanding, is vast, sprawling and contentious. For relevant commentary which presents radically contrasting points of view, and for an introduction to this rapidly expanding literature, see these authored or edited works: Bull (1984b); Damrosch (1993); Forbes (1993); Harriss (1995); Lyons (1995); McDermott (1997); Ramsbotham (1995); Reed (1993); Vincent (1974). Donnelly (1993b); Jackson (1993a) explore the complexities of armed intervention. Donnelly is particularly skeptical about its likely benefits, however well motivated such operations may be. For a brief but well researched and informed bibliographical overview of armed intervention and its relation to just war theory, see Fixdal (1998).

<sup>12</sup> David Luban, following Henry Shue, develops the distinction between basic and nonbasic rights. This discussion narrows the scope of the former even further and for purposes of analysis and effective policy impact resists enlargement of basic rights to "subsistence rights, which include the rights to healthy air and water, and adequate food, clothing, and shelter." Luban (1985), p. 210. The focus here is even narrower in excluding political civil liberties from the discussion. Excluding these claims from this discussion in no way implies that they do not possess moral or legal force, nor warrant material protection. For a helpful listing of these larger set of human rights, political and socioeconomic, see Donnelly (1993a).

<sup>13</sup> This line of argument departs from the view of many who would restrict the United Nations solely to the role of norm creator and evaluator, leaving politics and power to others. That shrinking of its responsibility for international security would be tantamount to an fundamental and decisive revision of the Charter. The original intention of the UN founders was precisely to elicit big power support for peace and global order since they would have the Austinian power to back them up. For a carefully argued articulation of the norm-restrictive position at odds with the analysis here, see Barnett (1995), especially p. 49. Barnett cites Thomas Franck and Inis Claude in defense of his position, but it is not clear that either would advocate so severe a narrowing of the Charter as well as a diminution of the duty of the great powers to ensure peace among themselves and the world as well. Consult Claude (1966); Franck (1988); Franck (1990); Franck (1973).

<sup>14</sup> Kuper (1981; 1985) argues persuasively that plural societies are the breeding ground for genocide. This analysis builds on this theoretical insight and applies Kuper's insights to the world society.

<sup>15</sup> Fukuyama (1992). Fukuyama believes that democratic rule and consumerism will glue the world's populations together.

<sup>16</sup> Robertson (1992) develops this insight.

species.<sup>17</sup> Since it focuses not only on the justification for great power intervention to end genocide but also on surmounting the contending choices and strategies impeding the end of this practice, recommendations for reform are informed by these limits.<sup>18</sup> The proposal seeks to strengthen the international norms and to marshal and institutionalize the requisite material capabilities and political will to widen the scope, accelerate the rate, and enhance the effectiveness of current efforts to end genocide through big power cooperation under the UN Charter.

The moral and legal basis for an anti-genocide regime is firmly, if narrowly, laid in the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>19</sup> Four groups are privileged under the Convention. Proscribed are “acts committed *with intent* to destroy, in whole or in part, a national, ethnical [*sic.*], racial or religious group”<sup>20</sup> The Convention defines genocide as: “(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction *in whole or in part*; (d) Imposing measures intended to prevent births within the group; [and] (e) Forcibly transferring children of the group to another group.”<sup>21</sup>

Violations of the Convention are to be enforced under Article VI by domestic courts or “by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.”<sup>22</sup> To demonstrate that genocide is being perpetrated, the prosecution must show that those engaged in mass murder consciously plotted and intended to eliminate, in whole or in part, the members of a targeted group. Stress is placed on punishing individuals and government officials in the aftermath of the commission of their crimes. While the Contracting Parties are empowered to “call upon the competent organs of the United Nations to take such action under the Charter of the United Nations . . . for the prevention and suppression of acts of genocide,” the Convention provides no institutional means or mechanisms to *prevent* genocide. Such measures are principally left to the organs of the United Nations and, specifically, to the Security Council. Pertinent are Chapters VI, which covers “Pacific Settlement of Disputes,” and VII, which extends to “Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression.” Significant under Chapter VII is the authorization of the Security Council to “take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.” Relevant, too, is the Security Council’s capacity to call on the member states to provide forces to implement actions in pursuit of international security. In short, there is sufficient authority—moral and legal—under the Genocide Convention, under associated human rights resolutions, and under the UN Charter to address the crime of genocide covering

<sup>17</sup> For sweeping historical presentations, see Diamond (1992; 1997); McNeill (1963; 1992). For the depredations of twentieth century states, see Kuper (1981; 1985); Rummel (1994).

<sup>18</sup> This proposal runs into two offsetting criticisms: the first and more prominent is that it is too timid. See the following for a more expansive argument favoring humanitarian interventions, including military force, to promote human rights over a much larger range than embraced by this analysis: Compare to Levy (1993); Reisman (1990); Rieff (1995); Rosas (1994); Smith (1994); Weiss (1995). Conversely, those adhering to a strict non-intervention principle would view this proposal as too extreme. See Akehurst (1984); Fonteyne (1974); Mason (1996); and Thomas (1993). Mason provides a realist case against armed intervention. I assume more a conditional version of the position which Howard Adelman characterizes as an international realist in which “humanitarian intervention . . . should and ought to become the dominant international norm of the international community in dealing with gross violations of human rights.” Adelman (1992a; 1992b) p. 68.

<sup>19</sup> United Nations (1995), pp. 151–53.

<sup>20</sup> *Ibid.*, p. 151. (Italics added.)

<sup>21</sup> United Nations (1995), p. 151. Note that Dextexhe (1994–95) in his review of the Rwandan case adopts a restrictive notion of genocide and, consequently, insists on its infrequent occurrence. This discussion argues for a more expansive notion that not only lodges genocide in the intent of perpetrators who may be frustrated in their most ambitious designs but views genocide, as the Genocide Convention notes, as associated with the physical destruction of groups *in whole or in part*. (Italics added.) This latter phrase opens genocide to a wider number of cases than Dextexhe’s view allows. Note also that genocide is depicted here as a political practice and strategy; as such, it is embedded in the logic and incentives of implacable adversaries appealing to violence to prevail. This is what this discussion means by a Hobbesian end game. It approximates what Clausewitz means by pure or ideal war between individuals, groups or states as an infinite duel driven by the aim of each seeking to destroy or prevail over rivals. Clausewitz (1976). In the case of genocide, pure and real war merge; hence genocide is an extreme or limiting case. The politics of genocide which will define its ultimate meaning logically extends to mass murders under the guise of genocidal episodes, like the extermination of thousands of Muslims in 1995 by Serbs at Srebrenica. See Institute (1999), intervention by Michael McClintock, pp. 70–80, which extends the phenomenon of genocide to episodes and repressive acts as precursors of genocide, such as the creation of concentration camps. The latter, for example, are presently being created by the Tutsi-dominated governing in Burundi as a response to the Hutu insurgency. *New York Times*, December 27, 1999.

<sup>22</sup> United Nations (1995), p. 151.



the four groups identified for protection. Absent, however, are sufficient international will and mobilized and institutionalized resources to preclude its occurrence and to enforce an anti-genocide code of conduct.

As a peremptory legal right under international law, freedom from genocide permits “no derogation” from its strictures; hence any treaty that might conflict with this norm is “void.”<sup>23</sup> As a peremptory norm, the prohibition against genocide can be said to be putatively acknowledged, universally, as a crime against humanity *and* against the society of states into which humanity is severally composed as political and moral entities. The practice of genocide undermines, as Rwanda’s post-colonial history exemplifies, the values and norms on which the society of states and the independence and sovereignty of its members depend for their legitimacy. In signing the Convention on the Prevention and Punishment of the Crime of Genocide, states “confirm that genocide, whether committed *in time of peace or in time of war*, is a crime under international law.”<sup>24</sup> Noteworthy is the prohibition against genocide in war during which, presumably, contesting groups, including the state itself, is seeking to impose its will on opponents by force. As a rule of the law of war, genocide is forbidden under the Convention as a belligerent practice.<sup>25</sup> Eliminating genocide as a strategic option to overcome opponents or, more generally, as a political practice does not mean that coercion or force or large-scale civil war is outlawed, too. Nor that the lives of combatants and the innocent will be spared, whether they are engaged in a just war or not. Rivals are not otherwise constrained by the Convention against genocide, save the circumscribed but crucial limit that they cannot intend to eliminate each other simply because of membership in a particular group. There is little need to create a new, universal prohibition against genocide covering peace and war at least for the four protected groups under the Convention. This constraint already exists and enjoys the consent, if not always the practiced adherence, of member states party to the genocide Convention and to the UN Charter.

However, additional moral and legal force can be added to an anti-genocide regime if it is reconceptualized and revised to bring it into conformity with the profound changes that have occurred in world politics since World War II. This can be done in three ways: (1) by establishing the notion of species solidarity and a universal humanity as the authoritative basis for global rule, transcending the provisional claims of the nation-state; (2) by expanding the prevailing meaning of sovereignty to entail an obligation on the part of states not only to respect the right of groups and their members to be free from genocidal attacks but also to assume a duty to eliminate these practices; and (3) by enlarging the protection of the Genocide Convention to cover political, social, and economic groupings, presently excluded from the Convention.

### Genocide as an Absolute and Universal Right

The immediate postwar world was essentially a world of states and disintegrating European empires. The United Nations Charter reflected this distribution of state power and authority. Essentially formed as a state-centric organization, the United Nations was erected on the shaky foundation of the sovereign equality of all its members under Article 2 (1) of the UN Charter. It also affirmed the principle of non-interference in the domestic affairs of sovereign states. Member states were enjoined under Article 2 (4) from threatening or using force “against the territorial integrity or political independence of any state.”<sup>26</sup> If the Genocide Convention and the Universal Declaration of Human Rights, passed by the General Assembly, recognized the rights and freedoms of individuals against the state, the effective protection of these rights was left to the member states.

<sup>23</sup> Cited in Ramsbotham (1995), p. 25. In drafting the Vienna Convention on the Law of Treaties, the international commission charged with drafting articles covering such basic rights specifically cited the criminal act of genocide. Ibid.

<sup>24</sup> United Nations (1995), p. 151. (Italics added.) By 1990, 96 states or half of the UN membership had signed the Convention that, unlike the Declaration of Human Rights, is a treaty whose provisions are binding on the signatories. Ramsbotham (1995), p. 22.

<sup>25</sup> This view that law continues to operate in armed hostilities between opponents is drawn from Quincy Wright’s understanding of law. Wright stipulates the condition that armed rivals are “members of a higher group” and bound by its “laws.” I interpret Wright to mean that they are members of the human species and bound by its natural laws. See Wright (1965), pp. 8ff for his understanding of war, in which even enduring and implacable rivals are considered members of a “higher group” and subject to its laws. This view accommodates well with the conception of a human society adopted here. Wright defines war as “the *legal condition* which *equally* permits two or more hostile *groups* to carry on a *conflict by armed force*.” (His italics) From this perspective, stipulated as the normative and empirical guide for theorizing about the causes of war through history, Wright views war as a process of violent cooperation between rival groups who “in spite of their hostility . . . are members of a higher group which originates this law.”

<sup>26</sup> United Nations Charter.

The process of decolonization was only just beginning. It was pursued as much as a function of Cold War power politics and as a derivative of the politics of national self-determination of previously oppressed peoples. If the notion of a universal humanity was acknowledged repeatedly in early UN conventions and resolutions,<sup>27</sup> the claim of a limit on national power and on nation-state authority, notably with respect to genocide and to crimes against humanity, had yet to be effectively made. States were expected to protect human rights. They were not depicted in the UN resolution as their principal threat.

An important first step in constructing the notion of a universal humanity with its superior claims of protection against genocide begins with reconstructing the past to conform to present experience. Required is the recasting of the past to reflect its end product: a growing social self-consciousness of the underlying unity of the world's populations rooted in their verifiable biological unity.<sup>28</sup> Over the sweep of the social evolution of the species, there is some basis for the expectation, as William McNeill reminds us,<sup>29</sup> that the present populations of the globe have reached a stage of self-awareness sufficient to enlarge their collective notions of governmental authority to extend beyond the nation-state. They are increasingly conscious for the first time in history of their common biological beginning, increasing and multiplying socioeconomic and political interdependencies, moral unity, and shared values—their personal and group survival being primary among them. This does not necessarily imply that the nation-state will be transcended by a universal state anytime soon.<sup>30</sup> Nor would such a transformation, as Immanuel Kant recognized two centuries ago,<sup>31</sup> serve to protect group identities or solve group conflict. Rather, the authority and sovereignty of the state would be understood to rest on its pledge to protect universally sanctioned human rights. The transformed psychological and ideational condition of humans, occasioned by enlarging and thickening socioeconomic and political exchanges,<sup>32</sup> would underpin this lien on state power.

Progress toward civil international governance will require, ironically, a rewriting of history to bring the past into line with its future projection. Such a reconstruction would privilege the emergence of an encompassing humanity implied by the evolution of ever broadening social consciousness. A century ago historians helped form and fashion what Benedict Anderson has termed imagined national communities.<sup>33</sup> Their rewriting of history legitimated the process of strengthening national and state power and authority. Their recasting of the past to catch up to the future also accelerated the erosion of feudal ways and local ties. This effort, replicated through the developed states of Europe and North America, also established popular sovereignty as the authoritative basis for the legitimacy of the state.<sup>34</sup> Using the past to rid the future of genocide as a state or as a group practice will take some doing and a lot of time. But the future lies in the past.

If there is weight to McNeill's insight about the changing nature of species understanding of who and what they are and of their rights, as a consequence of enlarging self-consciousness of an underlying unity of mankind, then an anti-genocide right is embedded, broadly and deeply, within the biosocial evolutionary process of the human species. Whether this right will survive and thrive will depend on deliberate choice and willful affirmation rather than on chance or luck. This evolutionary imperative reverses Darwin's principle of natural selection. Species cooperation is now essential to its perpetuation. How else can ecological disaster, controlling weapons of mass destruction, or genocide be addressed? Genocide as a human practice squarely

<sup>27</sup> United Nations (1995), pp. 143ff.

<sup>28</sup> Jared Diamond poses this problem and sets out to develop the first lineaments of a universal social history of humans, uniting the biological, social, and environmental factors bearing on the origins of the species and natural selection. William McNeill posits the hypothesis on which this analysis of the empirical and normative standing of genocide is partially based, viz., that the human species would appear to have reached a stage of interdependency and knowledge of the positive effects of mutual cooperation sufficient to develop a universal understanding of the common fate shared by otherwise socially differentiated groups through history. They are poised to eliminate genocide, much as slavery before, or, more precisely to egg the process along. The argument for an anti-genocide regime will depend on creating such a species (not specious) identity. McNeill advises historians to interpret the present and future through a reconstruction of the past, pointing toward this convergence of the human experience, without necessarily effacing the different routes which peoples have taken through time to get to this still evolving point. See Diamond (1992; 1997).

<sup>29</sup> McNeill (1963; 1992).

<sup>30</sup> For contrasting views about the fate of the nation-state, consult Evans (1985); Jackson (1993b); Rosenau (1992).

<sup>31</sup> Kant (1970).

<sup>32</sup> McNeill (1963; 1992). For the globalization of religion and culture Robertson (1992; 1985; 1991). For the over-all process, see Friedman (1999).

<sup>33</sup> McNeill (1992). Also Anderson (1983).

<sup>34</sup> On popular sovereignty, see Bendix (1964a; 1964b; 1978).

joins the issue whether a universal history of mankind, linking past and future, can be delineated and its future prospects pursued and ensured. If historians and social theorists were indispensable in moving beyond the constraints of past ways and traditional customs, then the next evolutionary stage is to conceptualize a universal history for humans as a driving force and as the moral basis of an anti-genocide norm and regime.<sup>35</sup>

If we now sum up the enlarging record of the civilized practice of an increasingly larger number of states, treaty obligations to which they are party, the convergence of interest and moral unity of humans implicitly underlying these treaties, and the informed commentary of legal and political scholars on the question of genocide, we reach yet another and higher plateau of understanding of the norm of anti-genocide—its universality. The widening practice among civilized states of rejecting genocide as a policy option is joined to the treaty obligation under the Convention for the Prevention and Punishment of Genocide. No informed legal or moral commentator can be found who would justify genocide as protected by the principles of state sovereignty and noninterference. Whereas the claim has been often made that human rights are a Western creation and serve only those interests, the claim of freedom from genocide as a human right essentially escapes this relativist attack. Forbidding genocide in the interests of diversity has general appeal and moral support because it speaks to a right carried within the personality and group membership of the human species. That this right is recognized in Western cultural thought (if scarcely always in practice) is no bar to its universal application.

### Expanding the Duties of States as Members of a World Society

In signing the Genocide Convention and the UN Charter states join human rights claims to international security concerns. The exercise of state sovereignty is henceforward incompatible with the practice of genocide. It is proscribed as an acceptable solution in resolving differences between rival groups within the state or between the state and challengers to its rule. Ending genocide can thus be credited as an ascendant group right and superior to any claim to sovereign immunity; it is a universal right deriving from the implied consent of those governed by states. Under the General Convention states are obliged to “prevent and punish” such practices.<sup>36</sup> The state, *acting as a state*, is obliged, furthermore, to take all feasible measures to prevent just such eventualities.

A right embedded in the make up of humans as a species extends with compelling logic as a duty to the agents of the species, viz., states.<sup>37</sup> States recognize each other as members of a society of states, bound by common and shared rules. They acknowledge their sovereign capacity to resolve internal differences and to defend their populations against foreign aggression and intervention in their domestic affairs. Furthermore, as an enlargement of the notion of sovereignty, a state today, in renouncing genocide, accepts the qualification that the recognition by other states of its sovereign authority depends on keeping its anti-genocide pledge at the risk of forfeiting its claim to legitimacy and, accordingly, its sovereignty. In resorting to genocide, a state or group aspiring to gain control of state power casts itself outside the society, respectively, of states and peoples; it becomes an outlaw as it were. Like an individual criminal or band, an outlaw state may well dispose sufficient material power and command popular support for its genocidal practices.<sup>38</sup> Popular support does not diminish the charge that a state pursuing genocidal practices commits a grave crime against humanity. Culpability for these crimes is no less attributable to a majority faction of a state’s population than to the state itself and its

<sup>35</sup> Kant’s vision of perpetual peace, interestingly enough, was based on free republics and did not envision a central governmental system. Kant was sensitive to the unique historical, linguistic, and cultural evolution of the species. His notion, too, of a universal ethics is not portrayed as the consequence of individuals acting separately and independently of each other, but as the product of species interaction—a collective enterprise. See Kant (1970; 1991), *passim*. For a discussion of Kant’s internationalism, see Doyle (1997), pp. 251–300.

<sup>36</sup> United Nations (1995), p. 151.

<sup>37</sup> This analysis rests on the empirical observation that, as the English school persuasively argues, states have imposed constraints on themselves. These have been relied upon as rules or norms not only to regulate the exchanges between states but also to serve as criteria by which they are recognized by other states as sovereign and authoritative over the territories which they govern. These norms inform the very make up of a state’s identity; its moral equality and its membership within the society of states, quite apart from the material power it disposes, rest on adherence to these norms. As an ideal model, norms and their self-enforcement converge. The case against genocide and the call for big state cooperation to eliminate the practice owes much to the English school. See Barkin (1998); Bull (1977; 1984a); Watson (1984; 1992); Wight (1966). The classic in tracing Western cultural norms on other states is of course Bozeman (1960), years ahead of her times.

<sup>38</sup> Many among the Hutu majority actively joined in the killing. Gourevitch (1998) graphically describes this collective action, captured in the title of his book which recounts the complicity of a Christian Hutu minister in the killing of members of his own flock.

officers. In principle, then, genocide is a joint test of state and popular sovereignty. In fusing the notion of genocide with the civic or public identity of the modern state,<sup>39</sup> genocidal behavior, even if confined to the internal workings of a state and to groups within its borders, becomes international behavior. The anti-genocide pledge breaches the normative wall, legal and moral, separating the rights and duties owed by states to each other in their actions towards their own citizens or foreign nationals.<sup>40</sup> When genocide or genocidal episodes erupt, the principle of noninterference in the internal affairs of a state, affirmed by the UN Charter, ceases to have an insulating effect, however much it may still have potency across other domains, including the violation of other human rights or denials of democratic protections to domestic populations.

If the authority of a state as a socially constructed institution of governance is recognized by other states because it adheres to the limits imposed by human rights claims, genocide is tantamount to aggression against other states. It is a crime against a society of states, resting on shared values and principles and rules of governance. It is no rebuttal to claim that a state cannot commit aggression against its own citizens, since it is sovereign and protected from outside intervention. In committing genocide, a state loses that cover. It commits aggression against the right of an historically defined community and its members to exist and replicate their community and to foster its interests and its values over time within the framework of the nation-state and nation-state system.

Genocide precludes forever the realization of a people's right to self-determination. If eliminated as a group and robbed of their capacity to perpetuate their communities through their offspring, the right to self-determination is obviously rendered without effect or issue.<sup>41</sup> If the right of self-determination is the litmus test whether armed intervention by third states in the domestic affairs of another state is to be condemned, as some argue,<sup>42</sup> then genocide justifies intervention by the society of states as a right and duty to ensure the self-determination of a people through time. Much the same way that a domestic criminal act is viewed as a violation of public order as a whole and of the moral foundation on which that order rests, so genocide occupies this status in the governance of the peoples and states of the world society. The entire international community and the nested society of states within this community are potentially exposed to genocidal transgressions. Genocide, as a strategy and solution to political conflict, is an attack on world order and a grievous affront to the moral sense of the world community. From these converging moral, legal, and political perspectives, the distinction between international and domestic politics becomes a distinction without a difference once genocide appears as the intent or the practical result of the actions of states and groups.

Genocide is now raised to the same status as slavery as a crime against humanity. No state, even the most tyrannical and authoritarian, would justify slavery today as an acceptable and tolerable practice, even though the condition of slavery may well continue to define the actual status of large segments of the world's populations. Genocide, like slavery, is beyond the pale of acceptable social practice, whether pursued by states or groups; its renunciation is an essential property of a civilized state as a unit of legitimate government. If states and peoples act to stop or staunch genocide, wherever and whenever it may arise, their actions fall within the set of

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<sup>39</sup> Katzenstein (1996); Wendt (1994; 1995), *inter alia*, discuss at length the construction of the notion of the state and its evolutionary and volitional make up.

<sup>40</sup> The wall still remains intact in all other respects, pending an examination of its defenses against an enlarged attack by human rights advocates dedicated to an expansionist objective.

<sup>41</sup> Slater and Nardin criticize Walzer on this point. Slater (1986). However, it is important to note that Walzer includes mass murder, illustrated by the Pakistani killing of thousands in Bangladesh, as sufficient cause and justifications for India's intervention to stop the bloodshed.

<sup>42</sup> Space limits preclude a rehearsing of the debate provoked by Michael Walzer's condemnation of intervention to frustrate the self-determination of a people. This debate has been largely surpassed by the completion of the decolonization process. The problem today is not foreign intervention, notably driven by Cold War incentives, to frustrate self-determination, but building an international consensus and will to intervene to ensure the self-determination of a people, though not necessarily their right to a separate state. Walzer (1985), p. 164. Walzer's *Just and Unjust War* and subsequent writings provoked an extensive debate over the limits of state sovereignty and its insulation from outside intervention. This debate is far more wide-ranging than this discussion. The inconclusive character of these exchanges is one of the justifications for limiting the argument for the mobilization of international will and resources to the eradication of genocide. On this latter point, all of the participants in the debate are agreed. See the exchanges between Walzer and his critics in Beitz (1995), pp. 165–246. For a useful effort to bridge these differing perspectives, consult Slater (1986). Laberge (1995) provides a probing comparison between the ethical positions of Walzer, John Rawls, and Howard Adelman, bearing on the ethics of intervention. Again, whatever their differences, they still agree on the right and even the duty of states to stop genocide. These responsibilities are not barred by a state's sovereignty, territorial integrity, or right to noninterference in its domestic affairs.

sanctioned international behavior; they do not constitute interferences in the domestic affairs of another state. Rather, they represent the execution of the state's duties to uphold the society of states on which its own authority depends. The principle of noninterference, protected by Article 2 (4) of the United Nations Charter, simply does not apply as a defense of genocide.

If states and peoples have won the right to be free from extermination, whatever the scope, depth or duration of their differences, the claim of genocide to general applicability turns, and not paradoxically, on its support of personal differentiation, group diversity, cultural richness, and the self-determination of peoples. The universally acknowledged, if not always honored, principle of self-determination depends on the physical survival of all contending groups. These refer both to groups in control of a state who are fighting to impose their will on others and those seeking either the takeover of the state, greater autonomy, or secession. This is a precondition of their capacity for self-expression, however much frustrated by countervailing force of rivals determined to suppress them. The claim here is only, and not trivially, that a state or groups within a state seeking to maintain their control of the state have simply no right, as an unconditional limit on their behavior, to use genocide in their pursuit of power and interests.

Political conflict and the fight for greater freedom and human rights protections can go on in the sense meant by John Stuart Mill without necessarily running afoul the charge of genocide. Mill (and Michael Walzer in his train) insists not only on the right of a community to self-determination but also on the self-help efforts of indigenous groups to create a political space and identity for themselves in their struggle.<sup>43</sup> That sense of identity, presumably, could not be created by an outside force. That this enterprise might require generations, with no assurance of success, was (and is) the price that Mill and Walzer believe has to be paid for self-determination. There should be added the critical condition, however, that keeping open that right through the effective installation of an anti-genocide regime has now emerged as an imperative on a state in resisting the defection of portions of its populations seeking their own way—even their own state and territory.

There is nothing in the analysis below that precludes the use of force by a state to use force against its opponents or to cope with subversive forces, alone or abetted by outsiders, seeking to undermine its authority and power. Nor do these self-defensive measures justify, in pursuit of an anti-genocide regime, interfering in the internal affairs of these beset states where the question of genocide is not at issue. The aim here is not to disarm the state; rather it is to empower states and the principal agents of the international community—the great powers—to end genocide and to insulate their own politics and differences from its infection. The claim is narrow in its proposed application yet universal in its reach, viz., to oblige the big powers to end genocide as an acceptable solution to conflicts between peoples and states

### **Including Political and Economic Groups within the Genocide Convention**

The debate and resulting compromise over the drafting of the Genocide Convention in the early postwar period excluded political and economic groups, real or socially constructed by genocidal perpetrators, from the four groups protected under the accord.<sup>44</sup> Focused on the experience of World War II and, specifically, on the Nazi holocaust, the original signers of the Convention limited genocide to “national, ethnical, racial or religious group[s].”<sup>45</sup> Delegates to the Convention were also chary of constraining their national governments in coping with internal challenges to their rule, a reservation shared by the Soviet delegate and newly emerging national states.

Enlarging the scope of protected groups, notwithstanding the legal and political problems it poses, is advised in light of the practices of states and political movements. Genocides committed in Bangladesh (1971), Burundi (1972), Cambodia (1970s), and Rwanda (1994) problematize the limitation of protection against genocide to the four groups covered under the Convention. In Burundi and Rwanda, genocides launched alternately by Tutsis or Hutus against each other since the independence of these two states cannot be easily reduced to readily discernible and clearly distinguishable bio-historic differences between these groups. As several informed

<sup>43</sup> Walzer (1974; 1985).

<sup>44</sup> This debate is described in Kuper (1981), Chapter 2, pp. 19–39, and summarized in Institute (1999), pp. 16–20.

<sup>45</sup> United Nations (1995), p. 151.

observers argue,<sup>46</sup> these categories have little or no historical justification. They derive from colonial practices in which German and Belgian authorities and later their French supplanters fashioned these identities as instruments of political rule and convenience. The Khmer Rouge extended the killing fields of Cambodia to anyone viewed as an ideological or class opponent of the regime whatever the psychological or moral self-identity possessed by the individual targeted for elimination. In the civil war between West and East Pakistan, Pakistani troops and fellow Muslims murdered hundreds of thousands of their co-religious and co-patriots before India intervened to stop the slaughter.<sup>47</sup> It might also be remembered that the killing of millions of Kulaks, small landowners opposed to Soviet collectivization under the Stalin regime, was a genocide principally justified on economic grounds. As Ilya Ehrenburg, a Soviet poet, explained the rationale for the elimination of this class: "Not one of them was guilty of anything, but they belonged to a class that was guilty of everything."<sup>48</sup>

Given these and other cases of genocide and of genocidal episodes that might be cited, genocide as a form of human behavior and political practice should be enlarged to cover the capriciousness of governments or social movements engaged in mass murder beyond "national, ethnical, racial or religious" groups. Victims are defined to suit the interests of the perpetrators in their efforts to eliminate all those opposed or resistant to their political aims.<sup>49</sup> To exclude the crime of genocide from what appear on the surface as ideologically or politically defined groups would not cover significant portions of the world's populations. Exclusion also weakens the universality of the principle of personal and group differentiation, the core of the justification for an anti-genocide regime. This latter principle is more encompassing than the self-determination of peoples. It embraces any trait valued by individuals in acting or in identifying themselves with a particular group which might be subject to extermination by another group or the state, simply because of membership in that group and in which the group's eradication is the aim of the perpetrators of genocide.<sup>50</sup>

If the principle of species differentiation, including socially constructed identities and associations, is accepted as the universal basis for eliminating genocidal practices and cleansing campaigns of all kinds, then the surface problem of deciding whether human rights are universal or relative to a particular culture disappears at the point again when genocide arises as a practice. Viewed in this light, a universally justified and applied anti-genocide regime is difficult to establish on cultural relativist grounds. To attempt such a move would be tantamount to emasculating the right of self-determination. What a cultural relativist position affords in the way of promoting greater tolerance among groups, it takes back in disarming itself before perpetrators of genocide. They could well then justify their crimes as a consequence of the social and political constraints under which they labor.

The perpetrators of the Rwandan genocide claimed that they, not the Tutsis and their moderate Hutu opponents, were victims. They were fighting for "Hutu power," putatively threatened by their rivals. Organizers of the genocide pointed to the assassination of the elected Hutu president of neighboring Burundi by Tutsi soldiers in October 1993. As Alison des Forges writes, this incident, touching off the massacre of tens of thousands of Burundians, both Hutu and Tutsi, "confirmed the fears of many Rwandan Hutu that Tutsi would not share power and swelled the numbers supporting Hutu Power."<sup>51</sup> To justify an anti-genocide regime on relative normative grounds and contrasting political conditions places that claim at fundamental odds with itself. It is an internally contradictory claim.<sup>52</sup> Only an absolute and universal moral stricture can definitively establish the right to life. Any reservation or condition attached to this prohibition weakens its moral force and the anti-genocide regime on which it depends for its realization.

An anti-genocide, constraining states and peoples, is absolute and universal, or it is without moral force at all. What may have been viewed in the past as legitimate—even necessary—by those carrying out genocide is unjustifiable today under any circumstances. The enlarging consciousness of the shared humanity of the world's

<sup>46</sup> Des Forges (1999); Prunier (1995) persuasively make this point. It is affirmed by the December 1999 UN report on Rwanda, n. 2.

<sup>47</sup> Franck (1973).

<sup>48</sup> Quoted by Robert Conquest in the *New York Times Review of Books*, November 21, 1999, p. 22.

<sup>49</sup> Arendt (1951) is the classic psychological exploration of the unreserved arbitrariness of totalitarian rule whether from the left or the right.

<sup>50</sup> Jack Donnelly's identification of human rights as those pertaining to the individual, whether as a member of a group or not, is relevant here. Donnelly (1989).

<sup>51</sup> Des Forges (1999), p. 5.

<sup>52</sup> See Pollis (1980); Renteln (1990) for the relativist case.

populations challenges this rationale. The problem confronting all states and peoples is not only one of justifying relevant local practices and inherited customs and values in resolving conflicts but also affirming their applicability in constructing governing rules for a global society of which they and their opponents are no less members. Claims to be different and to affirmations of separate identities hinge for their validity on the construction of a society of states and peoples free of the threat of genocide as a universal right. If genocide is by its very makeup a crime against all humans in their several and historically varied and variable socioeconomic and political arrangements—what's real about them as an ontological imperative—then it has universal applicability as a logical, potentially politically viable, and certainly a legal and moral constraint on all groups and their agents, most notably states.<sup>53</sup>

The conditions set down for principled and prudent intervention below to cope with genocide retain many of the limits affirmed by opponents of intervention, including humanitarian interventions. Specifying the moral and legal basis of an anti-genocide regime also identifies the guideline for international efforts to work towards its elimination within the material capabilities and will of the international community at this stage of its evolution. These guidelines both reflect the slow enlargement of species self-consciousness of its now mutually dependent social development and give impulse to its extension. By restricting the discussion to genocide as both a right and duty of the international community—imposed on state and nonstate actors—to prevent and punish its practice, this discussion also attempts to sidestep without in any way dismissing or diminishing in importance the much wider ranging and still inconclusive debate over the scope of the right of humanitarian intervention across a wide range of human right claims beyond that of the privileged right to be free from genocide.<sup>54</sup>

### **Reflections on the Rwandan Calamity: The Limits of the Politics of Genocide**

The distinct yet converging sources of support for an anti-genocide regime, outlined above, are indicators, however provisional, of a gradual sea change in the status of human rights as a constraint on state and group behavior. The creation of international tribunals for Rwanda and Yugoslavia suggests that the international community is slowly mobilizing its resources to prosecute perpetrators of genocide.<sup>55</sup> The proposed treaty to create a permanent international court for the prosecution of crimes against humanity also points to growing international consensus for the strengthening and enlargement of judicial institutions to try and punish those guilty of serious human rights abuses.<sup>56</sup> The intervention of NATO forces into Bosnia suggests, too, that when the United Nations is unable to act with speed and effectiveness to prevent possible genocide and to protect human rights, its role can be temporarily filled by the self-help measures of states or by regional organizations acting on behalf of the United Nations and the international community under Article 51 of the Charter.<sup>57</sup>

These positive signs still do not add up, however, to the mobilization of resources or the creation of effective international institutions capable of deterring genocide and genocidal practices. Nor, as the UN Rwandan report demonstrates, is the international community positioned to prevent genocide from happening whether in Africa or elsewhere. The Rwandan disaster is matched by similar instances of inaction by the great powers and the United Nations. To the cases already cited, there can be added the mass killings in Sudan, Lebanon, Iraq,

<sup>53</sup> Ramsbotham (1995), pp. 27–32 and citations to some of the relevant debate over the universality or relativity of norms. What seems clear, however, is that the crime of genocide is not restricted to inter-cultural conflicts. Indeed, the most widespread forms of genocide and mass murder have been committed by members of the same culture or nation. For a contrary view, particularly in his projection of coming culture clash, see Huntington (1996).

<sup>54</sup> See n. 11.

<sup>55</sup> These reforms, however successful, should not be exaggerated as to their import. Most perpetrators have yet to be brought before the bar of international justice. Litigation is long and tedious and the rule of law is still hostage to political forces beyond the control of the courts. The Rwandan tribunal in Arusha is especially vulnerable to pressures from the Tutsi-led government on whose support it depends to speed the prosecution of accused perpetrators and to ignore procedural violations associated with their capture and extended incarceration before trial. *New York Times*, December 19, 1999.

<sup>56</sup> In July 1998 the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court met in Rome. It adopted the Statute of the International Criminal Court and opened it to signature. As of early February 2000, there were 94 signatories and six ratifications. See <http://www.un.org/law/icc/statute/status.htm>. Conspicuously absent, as noted below, was the United States which opposes the treaty in its present form.

<sup>57</sup> NATO's intervention into Yugoslavia and its bombing campaign in 1999 to induce the Milosevic regime to permit the return of Albanian refugees to Kosovo is a controversial issue and is not so easily rationalized as the Bosnian intervention with UN strictures.

Nigeria, Uganda, Indonesia, and India at the time of its partition. These cover only the most outrageous instances of genocide. They do not take into account mass murders committed in civil wars in Central and Latin America, Africa, Asia, and Europe throughout the postwar period.<sup>58</sup> The evaluation of Leo Kuper, a close observer of the United Nations' record on genocide, still has bite although written almost twenty years ago: "The performance of the United Nations Organization in the suppression of the crime of genocide is deeply disillusioning, particularly against the background of the humanitarian ideals which inspired its founding, and which the organization continues to proclaim—ideals in which the suppression of war, of crimes against humanity and of genocide were quite central. . . . [A]bove all, it is the rulers of the states of the world who gather together at the United Nations, and it is mainly, though not exclusively, the rulers who engage in genocide."<sup>59</sup>

If the moral and legal standards condemning genocide are clear enough, however narrowly drawn at the present time, what factors explain, then, this lamentable record of lapses, willful neglect, and abject failure to prevent genocide? Why the huge gap between almost universal moral condemnation of genocide and the paltry efforts to end genocide and genocidal practices like those in Rwanda and Burundi, the Balkans, or in Cambodia? The Rwandan genocide of 1994 exposes the principal structural constraints—political, economic, and psychological—that effectively block the creation of an anti-genocide regime. These constraints remain formidable obstacles to reform. They comprise a check list of what impediments have to be relaxed and surmounted if those peoples exposed to genocide can confidently rely on an international regime for their security rather than on their own self-help efforts. As the experience in Rwanda and Burundi since their independence suggests, a vicious circle emerges as genocidal practices become an option to be exercised within the modus operandi of all groups implicated in these struggles.

### The Rwandan Genocide and Obstacles to Reform<sup>60</sup>

On August 4, 1993, the Hutu-dominated government of Rwanda and the Tutsi-led Rwandese Patriotic Front (RPF) signed the Arusha Peace Agreement. The United Nations was assigned a broad range of security functions to implement the accord. It was expected to provide a Neutral International Force to mediate between contending Hutu and Tutsi forces. The functions spelled out in the accord were a mix of Chapter VI peacekeeping and Chapter VII peacemaking operations. The UN contingent was supposed "to guarantee the overall security of the country and verify the maintenance of law and order, ensure the security of the delivery of humanitarian assistance, and to assist in catering [*sic.*] to the security of civilians."<sup>61</sup> UN forces were also supposed to assist in tracking down arms caches in cooperation with government units, neutralizing armed gangs throughout the country, supervising the demobilization of servicemen and gendarmes, and tracking down violators of the agreement.<sup>62</sup>

From the start, the UN reneged on fulfilling its commitments under the Arusha accord. The United Nations Assistance Mission to Rwanda (UNAMIR), initially projected as a force of 4,260, was cut to 2,548 by the Security Council. Its mandate was limited to Chapter VI functions associated with the pacific settlement of disputes. Its neutrality was affirmed in restricting the force to its own self-defense. Military operations were to be conducted only in cooperation with governmental forces. That rule of engagement was itself at odds with the professed neutral stance of the United Nations since that aligned the UN with many in the government who would later take part in the genocide. UNAMIR was also largely limited to operations in the capital city of Kigali. The deployment of this force, scheduled to be on the ground a month after the Arusha agreement, was

<sup>58</sup> Kuper (1981; 1985) carefully traces these genocides and genocidal episodes.

<sup>59</sup> The observation of Leo Kuper, writing in 1981, as quoted in Ramsbotham (1995), p. 5

<sup>60</sup> There are several thorough and well-informed studies of the Rwandan genocide. They provide the basis for identifying the root causes of international inaction and ineptitude in the face of glaring instances and validated reports of genocide. See Des Forges (1999); Dextre (1994–95); Gourevitch (1998); Prunier (1995). Also consult an excellent, highly professional evaluation of the political and organizational breakdown of international bodies and relevant states in addressing the Rwandan crisis. The report is divided into five studies under the title of *The International Response to Conflict and Genocide: Lessons from the Rwandan Experience*. It is the joint product of several nongovernmental agencies and can be downloaded at the Relief Web Site @ <http://www.reliefweb.int/library/nordic/index.html>. Especially pertinent is *Study 2: Early Warning and Conflict Management*, composed by Astri Suhrke and Howard Adelman. Some of these analyses later appear in revised form in an edited volume: Adelman (1999).

<sup>61</sup> UN report, n. 2, p. 3.

<sup>62</sup> *Ibid.*



delayed for three months as a consequence of UN headquarters and Security Council foot-dragging and bureaucratic inertia.

Growing signs of a possible genocidal outbreak were systematically ignored by UN officials, although a report to the Commission on Human Rights had voiced concern about “the possibility” that “a genocide was being committed in Rwanda.”<sup>63</sup> General Roméo Dallaire, UNAMIR’s commander, was not informed of these findings. The UNAMIR mission subsequently received reports from the field of well-planned incidents in which upwards of 60 people were killed. The assassination of the president of neighboring Burundi further signaled coming genocide. The UNAMIR mission acknowledged later that it did not have the intelligence capability on the ground to fully assess reports of mass murders, nor to follow up on NGO warnings of impending genocide.

These intelligence breakdowns, against a history of genocide and genocidal outbreaks in Rwanda and Burundi between Hutus and Tutsis, were capped by the cable sent by Dallaire on January 11, 1994, to the Military Adviser of the Secretary-General. A Rwandan informant leaked the plans of extremist Hutu elements to assassinate opposition deputies and to kill Belgian soldiers to prompt their withdrawal, leaving the plotters a free hand to eliminate their Tutsi and Hutu rivals. For reasons still to be determined, UN Headquarters ignored these warning signs. In January and February the Security Council, led by the United States, rebuffed requests from the field, strongly seconded by Belgium, to increase the UNAMIR force. Still smarting from the setback of October 1993 in Somalia where eighteen Marines were killed by clan forces, Washington instructed its representative to oppose any expansion in UNAMIR’s mandate or force capabilities. Joined by his British counterpart, the American ambassador to the United Nations cited the costs of expanding UN forces and the alleged damage that such a move would have on UN peacekeeping responsibilities.

On April 6, 1994, Rwandan President Habyarimana’s plane was shot down by unidentified forces on his return from a meeting in Dar es Salaam to implement the Arusha accord. The killing set off a well-planned and orchestrated genocide launched by extremist Hutu elements that opposed the Arusha compromise. In three months the army and Presidential Guard forces, abetted by civilian sympathizers and those impressed into service, murdered an estimated 500,000 to 800,000 Rwandans, mostly Tutsis.<sup>64</sup> Thousands more were maimed for life, families and communities permanently disrupted, and an estimated two million more uprooted and driven to refugees camps. Adversely affected were upwards of 15–25 percent of the population. About 8 to 10 percent of the population was eliminated almost overnight by the most primitive of means.<sup>65</sup> A similar level of killing in the United States or in the European Union would have resulted in approximately 25 million deaths, an almost unimaginable man-made disaster paralleling World War I casualty levels. Most of the killings fell, of course, on the Tutsi minority of approximately 657,000. Several sources cite about 500,000 Tutsis killed or about 75 percent of their number.

The reactions of the United Nations, member states, and the permanent members of the Security Council were in direct counterpoint to what would have been necessary to reduce the scale of the massacre and to restore order. Even as reports of mass murder were being received in New York, the Security Council was preparing to cut the UN force to 270. Meanwhile, Belgium unilaterally withdrew its forces in the aftermath of the execution of ten Belgian peacekeepers by the Presidential Guard. Dallaire also lost control over important segments of his remaining forces. Many abandoned their posts, leaving those whom they were protecting to their genocidal predators. These included the opposition prime minister and several other ministers as well as thousands of ordinary Rwandans, mostly Tutsis, who had mistakenly entrusted their security to UN forces.

Six weeks later, when much of the killing was already over, the United Nations was still fixed on its original mandate of peacekeeping under Chapter VI of the Charter. UN Headquarters, bolstered by a stubborn Security Council, insisted on neutrality in the civil war in the face of mounting evidence of a full-scale genocide in progress. But even that stance was compromised in the UN’s authorization of French intervention in June under Operation Turquoise. While the French commander spoke of “putting the Arusha Accords back into

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<sup>63</sup> *Ibid.*, p. 20.

<sup>64</sup> Gourevitch (1998) graphically describes, as the title of his book indicates, the gruesome details of the Rwanda tragedy in human terms.

<sup>65</sup> See UN Report which cites 800,000 dead; Des Forges (1999), pp. 15–17; and Kuperman (2000), pp. 100–101, who is on low side of the 500,000 to 800,000 estimate.

operation,”<sup>66</sup> military officers in Paris were quoted as saying that they were bent on “breaking the back of the RPF (the Tutsi Rwandan Patriotic Front).”<sup>67</sup> Paris had long supported the Hutu-dominated government against the Tutsi insurrection.<sup>68</sup> While France’s intervention apparently saved many Rwandans from death, there is little doubt that its temporary occupation of sectors of Rwanda impeded the takeover of Rwanda by RPF force.<sup>69</sup> In seizing control of the country, the RPF, not the French or the United Nations, ended the genocide.

As the reports of the genocide could no longer be ignored or rationalized as killings which were the inevitable outcropping of a civil war, the UN Security Council acted on May 17 to authorize UNAMIR II and a force of 5500 to stop the genocide. By July, two months after the passage of this resolution, only a tenth of this force had been cobbled together, principally from African states. They were reserved about providing forces unless the costs of the operation were fully funded by the United Nations. The latter could not give these assurances. The United Nations was deeply in debt due to past peacekeeping operations. Its most powerful member, the United States, was a billion dollars in arrears on its assessed payments, largely the consequence of U.S. Congressional objections to UN birth control policies.

The Security Council’s willful inaction added to the Rwandan misery. As the UN Report concluded, “[T]he lack of political will to react firmly against the genocide when it began was compounded by a lack of commitment by the broader membership of the United Nations to provide the necessary troops in order to permit the United Nations to try to stop the killing.”<sup>70</sup> When UNAMIR II forces did finally arrive on station, they were still hampered by a narrowly conceived mandate out of touch with the enormity of the genocide and overwhelmed by the flood of refugees generated by the catastrophe. Once concentrated in camps, the refugees quickly fell under the control of fleeing Hutu perpetrators of the genocide. UN forces impeded RPF efforts to clear the camps of these murderous elements. Their presence unwittingly shielded the perpetrators of genocide from capture, while supplying the latter material aid inasmuch as UN assistance to the refugees had to pass through the hands of Hutu extremists in control of the camps.

If the Rwandan genocide is probed more deeply, its seeds can be found in the flawed beginnings of the Rwandan state. When a Hutu-dominated government seized power in the early 1960s, it forced thousands of Tutsis into refugee status, many spilling into the other states of the Great Lakes region of Uganda, Burundi, Tanzania, and Zaire. This created a state of almost permanent civil war between the Hutu government and Tutsi refugees. Each was induced to seek outside support. These counter moves inevitably expanded the civil war to include third parties. If the Hutu government enjoyed the patronage of Belgium and France, the Tutsis, as losers, were obliged to repair principally to neighboring Uganda for succor and sanctuary. In time, they intervened in the Ugandan civil war, trading on their service to use Ugandan territory as a springboard for strikes against the Hutu government. Self-determination was being defined largely by the edge of a machete or the barrel of a gun in overlapping and reinforcing civil wars across several African state borders. Intervention in the domestic politics of all states of the region was the rule rather than the exception. Treaty and cease-fire accords were also honored more in the breach than in their observance. The Arusha accord of August 1993 between Hutu and Tutsi elements became, paradoxically, the incubator for the genocide some nine months later. Aggrieved extremists, marginalized in this agreement, hatched a plot for a final solution against their Tutsi rivals and those Hutus who stood in their way.<sup>71</sup>

As far as most permanent members of the Security Council were concerned (France excepted), Rwanda and Burundi, small stakes in the Cold War, were of little interest. Allowed to run to an end game, the Hutu–Tutsi rivalry not only led to the unspeakable genocide of 1994, but its repercussions were subsequently felt, as they still are, throughout central Africa. The RPF overturned the Hutu government. Its scattered remnants fled to the refugee camps girdling Rwanda. Meanwhile, the civil war in Rwanda rapidly spread to Zaire. The

<sup>66</sup> Quoted in Des Forges (1999), p. 668.

<sup>67</sup> Quoted in *ibid.*, and based on Prunier (1995), p. 285.

<sup>68</sup> Callamard (1999).

<sup>69</sup> The UN Report, n. 2, is discreet on this point. Des Forges and Prunier are more pointed, and convincing, in their questioning of French motives. See ns. 56 and 57.

<sup>70</sup> UN Report, p. 16.

<sup>71</sup> *The International Response to Conflict and Genocide: Lessons from the Rwandan Experience, Study 2: Early Warning and Conflict Management.*

Banyarwanda, who share the language and culture of the surrounding states but who had lived for generations in Zaire, became the targets of a fading Kinshasa regime in its death throes. All of the Great Lakes states were drawn into the vortex of a civil war extending throughout central Africa. The Mobutu Sésé Séko regime collapsed by force of arms, and Zaire was transformed into the new and shaky state of the Democratic Republic of the Congo. The latter has since been essentially dismembered, conceivably permanently, by uprisings against the new government, supported by the interventions of neighboring self-interested states and by civil wars spilling across its frontiers.<sup>72</sup> Borders are now essentially up-for-grabs throughout the central spine of Africa, stretching from the Congo and the Great Lakes states to the Horn and Sudan. The carving up of Africa by the European powers at the Berlin conference in 1885 has begun anew but now at the initiative of the self-emasculating peoples of the continent. A United Nations, charged to protect the sovereignty and independence of nation-states, finds that its central mandate has been undermined by its own inaction. And the international order on which the member states depend, notably the great powers, is also implicitly at risk.

### **Limits of Reform: The Politics of Genocide**

So why was nothing done? Why does the disclosure of past genocides and those waiting to erupt not move the international community to action to prevent these disasters that threaten both human rights and international order? Identifying these constraints and the incentives they generate in world politics for state behavior and group rivalry in coping with genocide are a precondition for devising workable strategies to eventually end this practice. The root cause of failure lies primarily in the weaknesses of a decentralized system of nation-states as the principal unit of governance and order of the world society. Each state is preoccupied with its own immediate, security interests. Many are beset, too, by divided populations. These conditions pose their own demanding security dilemmas. These parochial but by no means trivial concerns seriously inhibit collective efforts to install and institutionalize a working anti-genocide regime; i. e., security guarantees on which targeted populations can rely for their safety, an assurance conspicuously absent in the extension of UN guarantees to exposed elements of the Rwandan citizenry.<sup>73</sup>

Armed intervention and the violation of state sovereignty, even when aimed at ending genocide, run counter (as often as not) to the interests of nation-states as they are conceived today. This is especially the case when the interests of the great powers are at play. China, if overwhelmingly cohesive as a racial and culturally defined society, still faces serious ethnic minority pressures on its peripheries, most notably those arising from its forced assimilation of Tibet. If the Tiananmen Square massacre is prologue, the Beijing regime sits precariously atop currently suppressed but still pervasive pressures from within to liberalize the regime. The determined efforts of the Beijing government to smash the Falun Gong, a semi-religious cult, evidence Beijing's fears that any group not directly under its control is a political threat to its survival. There remains, too, the schismatic split between the mainland and Taiwan and the continuing intervention of the United States and Western states to prevent Taiwan's forceful submission to Beijing's rule. NATO's bombing in Yugoslavia, resulting in the mistaken targeting of the Chinese embassy in Belgrade during the Kosovo intervention, cannot but give pause to Chinese leaders, conservatives or reformers, when they contemplate any authorization of force to be conducted by the United Nations or by any other regional organization or state. These concerns converge to severely limit any Chinese interest in instituting an anti-genocide regime that might limit the Beijing regime's responses to real or perceived threats to its rule.

Russia's violence prone problems of identity politics, exemplified by the Chechnyan debacle, further illustrate why Moscow is not keen to support armed interventions by other states. Russian resistance to NATO's expansion is also deeply rooted in concerns about the possible uses of Western military superiority to impeded or preclude Russia efforts to suppress internal ethnic and national divisions or to aid its Russian co-nationals in the near abroad. Both Russia and China prefer traditional great power politics, spheres of influence and power balances, as a *modus operandi*, in fending off external intervention when coping with internal division. Human rights claims, pressed by other states or international organizations, limit their ability to throttle opponents to

<sup>72</sup> Jackson (1987; 1990; 1982) for a useful exposition of why "quasi-states" persist, but not without serious strain on preserving and perpetuating a coherent system or society of states.

<sup>73</sup> The United Nations did no better when the Europeans bore the principal burden for peacekeeping in Bosnia. Thousands of Bosnian Muslims were slain in Srebrenica, which was to have been secured as a UN safe haven, while Dutch troops stood idly by.

their rule. Humanitarian intervention is also perceived as working against their interests if they believe themselves to be submitting to Western and, specifically, to U.S. policies and power. China's abstention on the Security Council resolution, authorizing NATO's peacemaking in Kosovo, and Russia's conditional cooperation in occupying parts of Kosovo, trace the current limits of big power accord in dealing with ethnic cleansing, genocide, and massive movements of refugees as the product of such practices.

These same reservations animate the interests of other potentially emerging major powers like India and Indonesia (the second and fifth most populous states). Self-determination for Kashmir challenges the legitimacy of the Indian state. The loss of that province by ballot or by bullets is seen by Delhi as encouraging communal clashes and increased demands by groups within India for greater autonomy and even for secession. Racial and communal strife are also the principal dangers facing the post-Suharto regime in Indonesia. The economic meltdown of the Indonesian economy and the disarray of the Jakarta government have intensified powerful ethnic divisions stretching from Borneo to East Timor. These emerging mega-states, in population if not advanced technological development, are bedeviled by internal group struggles over religious, cultural, regional and linguistic loyalties. In confronting these contending pressures, the state and its armed forces are scarcely neutral observers. They are actively engaged, with force at the ready, in shaping their direction and impact.

Particular attention should also be paid to the reservations of the United States concerning an anti-genocide regime. Its cooperation is vital. Enlisting its support cannot be taken for granted. Powerful interests work against cooperation. First, past U.S. behavior is not above reproach. Many view the dropping of atomic bombs on Hiroshima and Nagasaki as acts of genocide. To these indictments many add the behavior of American forces in the developing world throughout the Cold War period and after. Vietnam is illustrative. Carpet bombing, the creation of concentration camps, the Cambodian intervention—paving the way for Khmer Rouge atrocities—and subsequent opposition to Vietnamese invasion to end the Cambodian genocide open the United States to charges of mass murder. This record is subject to re-examination if genocide rises in importance on the agenda of global governance.<sup>74</sup>

The resistance of the United States to the creation of an international court to prosecute those guilty of crimes against humanity amplifies the incentives inducing U.S. policymakers to go slow. Official Washington objects to what is viewed as an open-ended court mandate to prosecute international criminals. The court's prosecutorial powers may then extend to U.S. military forces, not to mention American political leaders, in the absence of a Washington veto over the court's jurisdiction and agenda. American officials cite reports that the U.S. military was under investigation by the Hague tribunal as evidence to substantiate these fears. A U.S. Department of Defense official is quoted as saying the "Pentagon remained adamantly opposed to any external jurisdiction over the American military, regardless of the [Hague] tribunal's jurisdiction in this case."<sup>75</sup>

These legal objections mask deeper domestic political opposition to support for an anti-genocide regime. These are reflected in the long fight over U.S. ratification of the Genocide Convention. Groups, like the prestigious American Bar Association, successfully blocked ratification by arguing that the Convention contravened the American constitution. These objections were overcome only in 1988, four decades after the Convention had been initially promoted and signed by the United States. In addition, American public opinion, however much it may be moved by humanitarian purposes as support for the initial intervention in Somalia suggests, remains skeptical that vital national interests are at stake in the civil wars of other states.<sup>76</sup> Efforts to prevent or limit the destructiveness of these conflicts are widely understood to be costly. Many believe, too, that enduring rivalries are not resolvable by force. Prevailing U.S. military doctrine also conspires with domestic resistance to humanitarian interventions. When they have been launched, as in Haiti, Bosnia, or Kosovo, either overwhelming local power or long-range striking airpower has been relied upon to keep casualties to a minimum. Indeed, even as the deaths were mounting in Rwanda in the spring of 1994, the Clinton

<sup>74</sup> Leo Kuper is particularly pointed in making these charges against the United States. Kuper (1981; 1985), *passim*. Notes Kuper: "The atomic bombings of Hiroshima and Nagasaki represent the absolute in white-collar technological genocide." Kuper (1981), p. 102.

<sup>75</sup> *New York Times*, January 3, 2000.

<sup>76</sup> Kolodziej (1996), pp. 3–34, 363–394, explores this problem of linking domestic support to foreign intervention. See also Morgan (1996), pp. 35–59, who explores the resistance of democratic populations to intervene abroad, a theme sounded earlier by de Tocqueville and reinforced by such realist writers as Hans Morgenthau and George Kennan.

administration was putting the finishing touches on Presidential Decision Directive 25 to limit U.S. military involvement in projected multilateral peace operations.<sup>77</sup>

Even if these reservations of popular opinion and military strategy could be overcome, there would remain the very real and pressing question of burden sharing in any intervention to stop genocide and in the subsequent costs of reconstructing a torn society. The much-preferred course for armed intervention today is a multilateral approach. This sets obstacles for intervention when timely unilateral measures may be called for. Collective actions take time, precisely what is not available in a genocidal crisis. Through joint action, great powers acquire a mantle of protective legitimacy in using their military power. They are also able to apportion burdens within the coalition to limit free riding. In turn, alliance partners naturally resist legitimizing actions over which they have little say or leverage. They are also not keen on accepting costs and risks at odds with what they perceive are their vital interests. These tensions over burden sharing, political responsibility for peacemaking and societal reconstruction, and control over military forces explain much of the difficulty of putting together a workable coalition to rid world politics of genocide. These considerations encourage states to strive to retain as much freedom of political action and as much autonomous control of its military forces as possible.<sup>78</sup> As a consequence, international coalitions against genocide are fragile. Small states, too, are no less reluctant to sign a blank check in joining in collective security operations. Note how rapidly Belgium withdrew its forces from Rwanda in the wake of relatively few military casualties, when compared to the genocide about to explode, and the impotence of Dutch troops under UN command in their failure to create a safe haven in Srebrenica for Bosnian Muslims as the UN had promised.

Conversely, it should also be recognized that the principles of sovereignty and noninterference in the domestic affairs of other states, whatever their manifest shortcomings as a remedy for genocide, serve important values of peace, if not always those of justice. For good reasons, these are enshrined in the UN Charter and specifically sanctioned by Article 2 (4). With all its weaknesses, the nation-state is still the only unit of governance that commands the loyalty and support of most of the world's divided populations. It provides then a decentralized solution to global governance for which there is no readily available alternative.<sup>79</sup> Imperial solutions have been systematically rejected by self-determined populations. The Soviet Empire imploded largely as a consequence of these fissiparous forces, partially a victim of its own internal policies toward nationalities.<sup>80</sup> The likelihood of ridding the world of genocide will have to be achieved, paradoxically, through the resistant medium of the nation-state system and through the dynamics of great power politics if it is ever to be successfully realized at all. The great powers are not prepared to permit interventions on their soil for humanitarian purposes. They will intervene elsewhere only if such initiatives are consistent with their perceived interests.<sup>81</sup> Proposals to seek great power cooperation to end genocide must be calculated to address—and to gradually relax—the negative incentives inhibiting big power cooperation to end this practice. This sobering reminder defines the scope of what reforms are feasible and promise some likelihood of adoption by the big powers in the foreseeable future.

### **Strengthening an Anti-Genocide Regime: Lessons from Rwanda**

If eliminating genocide were the sole aim of international actors in world politics and the central interest of the great powers, the task of realizing this goal would be easy enough. Given current thinking about the problem,<sup>82</sup>

<sup>77</sup> See the executive summary of PPD-25, "The Clinton Administration's Policy of Reforming Multilateral Peace Operations," May 1994 @ <http://www.whitehouse.gov/WH/EOP/NSC/html/documents/NSCDOC1.html>

<sup>78</sup> This is the thrust of PDD-25.

<sup>79</sup> Buzan (1991) makes the useful point, overlooked by many who are convinced that the power of the state is eroding, that the nation-state is the central governing unit of the international system. In greater or lesser measure the nation-state provides much of what passes as international order over much of the inhabitable territory of the globe

<sup>80</sup> Kaiser (1994).

<sup>81</sup> Bull (1984b) makes this point.

<sup>82</sup> Space limitations do not permit a full review and evaluation of the many proposals that have been advanced for the creation of an international force under UN direction. Among the briefest but most quoted is that of Brian Urquhart's. Urquhart served for many years in the UN and is widely respected as an international civil servant. Urquhart (1993) and Kaysen (1996) review and evaluate several of these.

a hard-hitting, fast-reacting fighting force of 15,000 troops, backed by another 45,000 of support and logistical personnel, would be adequate for most humanitarian interventions. Even a much smaller force of 5,000 troops might be adequate for many crises, like Rwanda. In an oft-repeated statement, General Dallaire declared that such a force could have saved thousands if rapidly deployed; it might have even deterred its eruption if it had been readily available:

In Rwanda, the international community's inaction contributed to the Hutu extremists' belief that they could carry out their genocide. UNAMIR could have saved the lives of hundreds of thousands of people. As evidence, with the 450 men under my command during this interim, we saved and directly protected over 25,000 people and moved tens of thousands between the combat lines. A force of 5,000 personnel, if rapidly deployed, could have prevented the massacres in the south and west of that country, massacres which didn't start until early May, nearly a month after the start of the war.<sup>83</sup>

A dedicated, international force under UN control and under the authority and direction of the Security Council has clear advantages over the current situation of designing forces after the outbreak of a crisis. Under present standby agreements, states earmark forces and resources to the United Nations. Evaluations of these arrangements have questioned their effectiveness.<sup>84</sup> A dedicated and independent UN force would solve many of the problems associated with seconded national forces as a response to genocide, to human rights violations, and to peacekeeping and peacemaking obligations. Unlike a standby approach, a UN force would be uniformly trained and equipped; transport and logistical support would be readily available; problems of communications, command, control and intelligence—glaring lapses in Rwanda—would be ironed out; and military doctrine covering the deployment, rules of engagement, and varied roles that UN forces would discharge would be incorporated into over-all military planning before an operation were initiated.

Most importantly, these would be all volunteer forces. They would not be under national control, nor be subject to the competing demands of divided loyalty to dual commands. A UN volunteer force, as Brian Urquhart argues, would be “designed to fill a very important gap in the armory of the Security Council, giving it the ability to back up preventive diplomacy with a measure of immediate peace enforcement. . . . The volunteer force would be trained in the techniques of peacekeeping and negotiation as well as in the more bloody business of fighting.”<sup>85</sup> However apt and compelling Urquhart's proposal may be, Susan Sewell's assessment of the prospects of an autonomous UN peacekeeping force appears conclusive: a “United Nations standing force is simply not going to happen.”<sup>86</sup> Big power interests, real and perceived, preclude the realization of this ambitious aim anytime soon. So what might “happen” to move toward the ideal of an all-volunteer international force to deter genocide, to limit the scope of episodic eruptions, and to lay the groundwork for the reconstruction of failed states?

Several converging factors provide the grounds for guarded optimism that some progress can be made toward institutionalizing an anti-genocide regime. First, there is the widening recognition of the horrors of genocide and the threats this practice poses to international security. What happened in Rwanda was subsequently repeated, if in diminished measure, in Bosnia, Kosovo, East Timor, and in the Great Lakes region. The decisions of the Security Council to send peacekeeping forces to the Congo and East Timor are in response to these concerns. Second, a bolstered moral and legal consensus against genocide, as outlined earlier, would swell pressures on states to mobilize their resources and will to strengthen an anti-genocide regime. Third, there is growing and compelling evidence of the costs of genocide. There is increased appreciation of the fact that it costs more in blood and treasure to repair a damaged nation or region than to invest international capital in its socioeconomic and political development to preclude the outbreak of genocide.

Fourth, there is an expanded international and domestic judicial base to try perpetrators of crimes against humanity. The Hague and Arusha tribunals reflect rising international pressures to bring perpetrators to justice.

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See also the proposal of John Fousek and Saul Mendlovitz in Institute (1999), pp. 52–60; unlike Urquhart, they advocate a UN force, but place its control under the Secretary-General to circumvent the Security Council veto.

<sup>83</sup> Quote in Institute (1999), p. 31. Kuperman (2000) disputes this claim, but concedes that a maximal effort might have saved upwards of 125,000 lives.

<sup>84</sup> Institute (1999), pp. 52–60 and *passim*.

<sup>85</sup> Quoted in *ibid.*, p. 29.

<sup>86</sup> *Ibid.*

Recent convictions of accused violators by both tribunals evidence the resolve of the international community to punish offenders. The Pinochet case also suggests that domestic courts can be used to limit the degree to which the principles of state sovereignty and noninterference in the internal affairs of another state can shield those accused of grievous human rights abuses from being prosecuted. Former Chilean strongman, General Augusto Pinochet, was held by British authorities on the warrant of a Spanish prosecutor to stand trial for having committed crimes against humanity while in power. That General Pinochet was granted leave to return to Chile on humanitarian grounds of ill health does not diminish the potential significance of future reliance on this precedent to expand the jurisdiction of domestic courts to bring those accused of crimes against humanity before the bar of international justice. That precedent is already being extended in Senegal where former Chadian president Hissène Habré has been arraigned before a domestic court to face charges of torture while he was in office.<sup>87</sup>

Finally, strengthening the international institutional foundation against genocide can be reckoned to have a positive feedback effect on big power cohesion and cooperation. In cooperatively developing coping mechanisms against genocide, the great powers build mutual confidence in each other. Their conflicts with each other can conceivably be muted by joining in such collective actions. In turn, the tensions currently reflected in the conflicting claims of national and international security can be relaxed, if not fully resolved, by converging big power efforts to eliminate genocide as an acceptable and tolerable way to settle differences between peoples and states. This shared experience can serve over time to relax the security dilemmas they confront in pursuing their national security interests. All this will, of course, take time. The gains already made in creating the foundation for an anti-genocide regime provide a springboard for further, if circumscribed, progress.

An anti-genocide regime can be given impulse and direction, a fillip to international security and human rights, by the adoption of some or all of the following proposals: (1) strengthening UN intelligence capabilities; (2) enhancing its capacity for local political risk analysis; (3) clarifying the criteria for applicable responses under Chapters VI and VII of the UN Charter; (4) creating a military staff committee; (5) improved earmarking of military forces from national contingents for Chapter VI and VII operations; (6) developing closer liaison and joint planning and operations between the UN and regional security organizations and their member states; and (7) coordinating UN, state, and nongovernmental organizations in dispensing humanitarian assistance and in meeting the needs of refugees in postgenocide episodes.<sup>88</sup>

### Intelligence Capabilities

Article 34 of the Charter, now largely fallow, should be activated to expand the intelligence services under the Secretary-General.<sup>89</sup> Article 34 authorizes the Security Council to investigate “any dispute, or any situation which . . . is likely to endanger the maintenance of international peace and security.” Greater transparency is a precondition for the mobilization of international resources and will to prevent the full-scale outbreak of genocide and to limit its destructiveness once unleashed. Increased staff is needed to strengthen the UN’s capacity to identify the signs or precursors of genocide and episodes of mass killings. The United Nations does not have its own satellite reconnaissance systems. Nor does it possess its own global communications network capable of providing up-to-date intelligence on fast-breaking events. There are no daily briefings to inform United Nations officials whether ongoing conflicts are getting out of hand or those which, now smoldering, are about to explode in violent conflict.

The effectiveness of an expanded intelligence service in the office of the Secretary-General would also depend on its own ability to access the more developed and extensive intelligence services of national states. A

<sup>87</sup> *New York Times*, March 1, 2000.

<sup>88</sup> Several of these recommendations parallel those figuring in PDD-25 to strengthen United States multilateral engagement in peacekeeping and, specifically, in cooperative efforts within the rubric of the United Nations. In some ways, PDD-25 is more ambitious than these reforms, although it does not call either for the activation of a military staff committee within the UN or for what would be an earmarked UN military force for intervention purposes. PDD-25 is very precise in its insistence on maintaining United States operational control of its military forces in any armed intervention conducted on a multilateral basis. The NATO peacemaking mission in Kosovo is illustrative.

<sup>89</sup> This recommendation draws on Maynes’ proposals to strengthen international capabilities to stem ethnic conflicts. Maynes (1993), especially pp. 15–17.

dedicated staff of intelligence experts under UN control would have the capacity to tap into the extensive intelligence networks and data systems available to member states. Their specialized knowledge would equip them with the expertise needed to know what to look for and whom to consult around the globe for data and intelligence. These UN services would be closely linked to media and NGO sources. As the Rwandan experience evidences, these outlets are often better informed about conditions leading to genocide than national intelligence services and governments. In contrast to the latter, a UN intelligence service would have less incentive to mute or suppress reports and information about atrocities or the scope of genocidal episodes impacting negatively on particular national interests.

Strengthened United Nations intelligence capabilities might well not have prevented the Rwandan genocide. States and the United Nations must have the political will to act on this intelligence. An enlarged intelligence system, with connections to other governments, NGOs, and the world media, would have made it difficult, nevertheless, to bury the warnings issuing from different avenues about coming trouble in Rwanda. General Roméo Dallaire's January cable to UN headquarters was never disclosed to the members of the Security Council or to its New Zealand President.<sup>90</sup> A UN intelligence service, independent of operational responsibilities, would be charged not only to collect data but also to integrate the information flowing from these diverse sources to establish whether a genocide or genocidal episode was in the offing. Whereas in the past UN Headquarters did not follow up on reports from the field about plans or incidents associated with genocide, a UN intelligence service would be expected to pursue leads triggered by reports of impending genocide as a matter of routine. Armed with superior intelligence, UN officials would then be in a position, directly or through media leaks, to contest attempts by a member state to dismiss or minimize reports of widespread human rights abuses. The continued participation of a representative of the Hutu government in the deliberations of the Security Council, as the genocide unfolded, underscores the importance of an independent and disinterested assessment of information as a precondition for UN action.<sup>91</sup>

### **Political Risk Analysis**

Beyond acquiring access to a greater range of diverse and reliable sources of data, the UN Secretary-General also requires more personnel capable of conducting ongoing risk analyses of brewing crises. This implies increasingly sophisticated understanding of local socioeconomic, political, and ideological conditions. These are the breeding grounds for genocide. It also implies an integrated organizational structure capable of identifying—measuring where possible—and evaluating patterned behavior as precursors of genocide or imminent outbreaks of genocidal attacks.<sup>92</sup> The absence of such informed evaluations and organizational capacity was conspicuous throughout the Rwandan crisis. UN officials and representatives of the permanent members of the Security Council were repeatedly surprised, outpaced, and outsmarted by the perpetrators of genocide. These breakdowns were numerous and chronic throughout the crisis from the Arusha accords through the refugee crisis. (They still persist, incidentally, in the UN's responses to the continuing crisis in the Great Lakes region.)<sup>93</sup>

The absence of expert, real-time knowledge of the political situation on the ground precluded a mandate and rules of engagement for UNAMIR responsive to the political forces working toward genocide. This lapse proved fatal to hundreds of thousands of Rwandans. Political leadership in the United Nations was unaware that extremists in the Habyarimana government, fearful of a loss of power, were determined to prevent the implementation of the Arusha accords at all costs.<sup>94</sup> UN Headquarters evaluated the crisis strictly as a civil war

<sup>90</sup> Report of Channel 7, Australian television, interview with New Zealand delegate, who occupied the chair of the Security Council during the Rwanda crisis. April 1999.

<sup>91</sup> Kuperman (2000) strongly disagrees with this assessment of the likely impact of expanded intelligence gathering in his analysis of the Rwandan case. His critique is persuasive *ex post facto*, but does not speak to the potentially positive effects of timely and informed intelligence. The Dallaire cable is reprinted in Adelman (1999), pp. xxi–xxii.

<sup>92</sup> Organizational coherence is crucial. Robert Wohlstetter's exhaustive study of the failure of U.S. intelligence to anticipate the Japanese attack on Pearl Harbor pinpoints the decentralization and competing interests of intelligence services as a key explanation for the breakdown. Wohlstetter (1962). What some analysts characterize as the UN's "stovepipe" chain of command and processes of decision making contribute to its ineffectual responses to genocide.

<sup>93</sup> For a sketch of these breakdowns, consult Laegreid (1999) and n. 2, the UN Report.

<sup>94</sup> Jones (1999)



between Hutu and Tutsi forces. UNAMIR's mandate was to facilitate the Arusha accords. These were premised on the false assumption that all elements of the warring sides were prepared to honor the cease-fire and to cooperate in organizing a power sharing, coalition government. UNAMIR's facilitating role pivoted then on remaining neutral. Its neutral stance bore no relevance to the real situation confronting Rwandan citizens, notably its minority Tutsi population, UNAMIR forces, or UN civilian personnel. A continuous flow of updated field reporting and more informed political understanding of the evolving crisis would have called into question the UNAMIR's mandate, rules of engagement, and counterproductive stance of neutrality. Instead, the gap between mandate and the force requirements to deter or limit the genocide grew as the holocaust unfolded. The mandate and rules of engagement, cast in Chapter VI peacekeeping terms, acted as cognitive blocks to new and disturbing reports about preparations for genocide.<sup>95</sup> These policy decisions and, arguably, the willfully directed misperceptions driving them had the untoward effect of enlisting the UN's cooperation in the genocide.

Close observers of the Rwanda genocide might still be skeptical that more informed and real-time ready political evaluations would have provoked prompt Security Council action to stem the killing. Domestic pressures in response to the Somali disaster, cited in retrospective evaluations of the calamity, may well have prevented American and Western decision makers from supporting timely UN authorization to intervene in Rwanda.<sup>96</sup> Acknowledging these possibilities does not diminish the value of fixing responsibility for inaction even in retrospect. More sophisticated political analysis serves as a potential, if partial, antidote to future flights from responsibility. Strengthening and institutionalizing greater transparency and accountability in UN decision making are preconditions for continuous review of UN authorized interventions to determine whether Chapter VI operations apply or whether events on the ground dictate Chapter VII measures.

There should be no illusion about the impact of greater transparency and accountability. They have not proved decisive before in reforming the United Nations or in positioning the organization to assume enlarged security responsibilities. Conversely, it is difficult to see how international public opinion can be otherwise mobilized and progress toward institutionalizing an anti-genocide regime can be made unless greater openness and the allocation of responsibility are continuing elements of UN decisional processes. In this vein, Secretary-General Kofi Annan can be credited for having given impetus to this shift by commissioning a report on the Rwandan crisis that did not spare him in criticizing his role in the UN's failure. This is a useful precedent in establishing the degree to which the international community, the United Nations, and the Security Council may have failed in carrying out their Charter responsibilities.<sup>97</sup> Samantha Power forcefully joins the issue: "Next time, when somebody asks, 'why did nobody act to stop the horror in Rwanda?' we should place ourselves in a position to respond not with the overused and uninformative phrase, 'there was no political will,' but with the more constructive, 'because so and so and so and so and so and so chose not to do such and such for the following reasons.'"<sup>98</sup> The marshaling of international political will starts with knowledge of the aims to which that will is to be directed. Better intelligence and risk analysis capabilities are helpful in leading an otherwise blind, indifferent, or distracted international will to a clear and compelling goal—an anti-genocide regime.

### Criteria Defining Chapter VI and VII Missions

The failures of UN intelligence and evaluative mechanisms as well as the deliberate refusal of the Security Council to address threats to international security also raise into question the shortcomings of Chapter VI and Chapter VII of the UN Charter. More precisely, the authority vested in the United Nations by these chapters for peacekeeping and peacemaking functions requires clearer definition and relevant criteria to relate existing international authority and institutional mechanisms for intervention to effective field operations. These chapters do not serve as useful guides to cope with threats to international security, particularly those posed by genocide. The roles and functions assigned to the United Nations under the Arusha accords spanned both chapters. These

<sup>95</sup> For further analysis of this psychological phenomenon and the limits it places on rational decision making, consult Vertzberger (1990; 1998).

<sup>96</sup> See, for example, no. 2, p. 28. For U.S. policy, see Livingston (1999).

<sup>97</sup> This is the underlying thrust of the strategy of selective provocation invoked by Kofi Annan in initiating the UN inquiry which also did not spare him from criticism. *New York Times*, January 4, 2000.

<sup>98</sup> Power in Institute (1999), p. 95.

were realistically delineated by the negotiators of the agreement. The long history of genocide and genocidal episodes characterizing the conflictual relations of the principals and their well-based mutual suspicions of each other's motives argued for a powerful UN presence and for a wide-range of security roles. UN Headquarters and the Security Council, with the United States in the lead, refused to underwrite this commitment.

If Chapter VI and VII powers had been viewed as a seamless web of responses to threats to international security, then enhanced UN intelligence and evaluative tools might have assisted UN decision makers in determining what set of capabilities, mandate, and rules of engagement were appropriate to cope with a crisis. Forces could have been equipped and configured to meet these challenges rather than limited by a Charter straightjacket ab initio with little regard for its relevance to meet security threats in the field. States and the publics to which they are subject may resist shouldering these obligations. Whether they will be assumed or not will largely depend on perceived national interests. The utility of a more realistic understanding of the requirements of international security than is presently reflected in debates within the Security Council is that it would provide criteria to evaluate Security Council decisions and those of national governments to determine whether they were addressing security problems at a level of seriousness and complexity relevant to their solution. Scholastic debates over the scope of Chapters VI and VII obscure the underlying obligation of the United Nations and the Security Council to end genocide.

### **Military Staff Committee**

The United Nations ad hoc all of its peacekeeping missions. These are now more complex than just sending in foreign troops at the invitation of the receiving state. They extend increasingly to preventive and coercive diplomacy, peacemaking, peacekeeping, peace enforcement, peace building, and socioeconomic and political reconstruction.<sup>99</sup> Where genocide is rampant, there will be no welcome mat to prepare the way for intervening forces. What is needed, therefore, is the activation of Articles 46 and 47 of the UN Charter. This would create a standing military staff to execute Security Council policies. A military committee, composed of senior officers of the major powers, would be charged with developing plans for possible armed intervention into potential genocide sites. They would act like any military staff. They would be expected to develop training, logistical, communications, and equipment needs adapted to a range of different geographic and regional conditions and varied political circumstances. UN planning would entail immediate access to nationally earmarked military forces. These units would have been professionally trained, equipped, and psychologically prepared for armed engagement, if necessary, to quell the outbreak or practice of genocide. The staff, much after the pattern established in NATO, would also work out the lines of communication, command, and control procedures for these UN forces. They would define and continually update rules of engagement consistent with the protection of civil populations and UN personnel.

Since the control of the staff would reflect the privileged position of the permanent members of the Security Council, these two organs should be expected to move in lockstep—or not at all. If big power cohesion can be achieved, then the United Nations and the Security Council would be equipped with the means to execute its will. Needless to say none of these elements was in place during the Rwandan crisis. UNAMIR I was more than a failure in political will on the part of the Security Council. Those forces dispatched under this authorization were also ill-equipped and poorly trained to discharge even the restricted mandate to which they were assigned. Troops from Bangladesh, in particular, were ill-prepared to assume their peacekeeping roles. They brought no transport equipment with them, nor adequate stocks of arms to operate effectively as military units. At the first sign of being in harm's way many bolted their posts. UNAMIR II did little better. There were no standby forces readily available to throw into the Rwandan breach. Months after the authorization of a force of 5,500, only a tenth of this force was actually identified for duty from reluctantly contributing African states. A standing military staff would not have necessarily overcome these shortcomings. If such a staff had been in existence and if its professional services had been readily available, the Security Council would have been informed about these shortfalls in planning and operations. The professional advice of the military staff would have added to other pressures within and outside the United Nations for the Security Council to have acted with all deliberate speed to address this catastrophe.

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<sup>99</sup> Ware (1997).

Caution should be observed here, too, in assessing the positive impact that a standing military staff might have on stopping genocide or grave abuses to human rights. As the belated French intervention in Operation Turquoise suggests, the strategic and tactical success of timely intervention within a civil war setting is tricky. The hasty or ill-considered introduction of UN forces might actually increase the killing if internal forces are impeded from defeating perpetrators of genocide and from preventing crimes against humanity. The Tutsi leaders of the Rwanda Patriotic Army (RPA) were wary of French intervention in light of Paris' previous support of the Habyarimana government. French military teams trained and equipped Rwandan military forces and militia units. UN forces under Security Council control, on the other hand, would presumably enjoy greater credibility for even-handedness than national forces. This asset would not automatically solve the more daunting problem of accurately assessing the costs, benefits, and risks of intervention. A military staff committee would assist in making these calculations more precise, rigorous, and transparent, but it could not guarantee the success of a mission.

In this context, just war doctrine would appear to have considerable relevance. A standing military committee would be charged to apply these principles in its plans and operations. The principles of just war, updated to meet the circumstances of today, are still useful to encourage, if not fully ensure, careful and calibrated use of violence for humanitarian purposes.

There is little need here to rehearse at length these just war principles. Honed over centuries of debate and sometime practice, they are well enough known.<sup>100</sup> The principles of just war, if incorporated into UN military operations, would help determine whether more good than harm would come from using force. The principles of *jus ad bellum* (resort to just war) requires (1) rigorous compliance to the strictures of legitimate authority (which great power consensus within the United Nations would automatically supply); (2) just cause (ending genocide); (3) right intention (intervention for no other ulterior aims than the end of the proscribed practice); (4) violence as a last resort to be used only when all other means have been exhausted; (5) proportionality in using force to ensure that the harm caused by intervening is less than that produced by the evil to be addressed; and (6) an open declaration of public intent on war aims. These traditional principles are to be supplemented by *jus in bello*. These rules discriminate between combatants and the civil population and limit the destruction of life and property in battle beyond justified and legitimate military and political objectives, specifically sanctioned by the legal and moral claims of ending genocide. Absent an institutional mechanism, like a military staff committee, the United Nations will continue to react without adequate pre-planning and without the kind of in-depth analysis of costs and risks needed to carry out its security functions.

### Standby Accords

Since a standing UN military force is ruled out in the foreseeable future, standby accords with states prepared to furnish forces and support equipment appear to be the most realistic option to pursue in the immediate future. To minimize big power conflicts of interests, small powers might be approached to have troops on tap to conduct UN anti-genocide operations. Canada, Australia, Philippines, Malaysia, Ghana, Morocco, and Ireland are candidates. All have had considerable experience in UN peacekeeping. They possess varied military capabilities and dispose a range of contrasting political assets capable of being tailored to the needs of different peacekeeping missions. Standby accords are likely to be effective, moreover, if they are reached with states at a level of socioeconomic development and military modernization to ensure capabilities sufficient to pose a credible deterrent and serious threat to would-be genocide perpetrators. Standby accords with small states would not furnish sufficient forces and backup support to cope with the genocide of the dimensions experienced in the Balkans or in Cambodia. They would be sufficient, if Dallaire's assessment is valid, to have made a difference in Rwanda and to be relevant to many other conceivable scenarios in the developing world. They would have the added advantage of being small enough to preclude challenging the big powers or their interests.

These forces would be incorporated into the planning of the military committee, covering command, control, communications, and intelligence systems for efficient deployment and use in the field. Support, transport, medical, and engineering backup would very likely have to be furnished by the major powers or by

<sup>100</sup> Fixdal (1998) does a good job in summarizing these just war principles and in applying them to the armed intervention. For one such attempt to apply these principles, see Fisher (1994).

other states. UN elements could be seconded to regional forces already in the field or sent independently to prevent large-scale murder of the innocent, depending on the scale of the genocidal threat. The expectation of military planners under Security Council direction and of these forces, too, would be that they are fighting units, dedicated to the critical but circumscribed mission of anti-genocide. They would not be neutral to this practice.<sup>101</sup> They would be prepared, as arms control forces, to monitor and enforce minimal rules of war in civil conflicts and to protect civil populations from wanton attacks. They should be able to create safe havens within the territory of the afflicted state. The UN mission in Rwanda was specifically forbidden to enlarge its responsibilities to provide such guarantees; some UN troops specifically detailed to protect the Tutsi population and moderate Hutu and Tutsi elements in the government actually abandoned them to their slayers. When they were needed most, both UN contingents were withdrawn from Rwanda. An otherwise preventable genocide just ran its deadly course.

### **Liaison with Regional Security Organizations**

As the Rwandan (and Kosovo) crises reveal, a serious breakdown in UN-regional security cooperation has been allowed to develop. While the UN Charter was carefully crafted to pivot on big power cooperation as the basis for peace, it also made generous provision for regional initiatives to address threats to peace that might otherwise be ignored or ineffectually dealt with by the United Nations. In Rwanda the initially helpful work of the Organization of African States (OAS) and the efforts of Tanzania in facilitating the Arusha accords were never effectively backstopped by the United Nations. Extremist Hutu leaders were not co-opted into joining the provisional peace agreement. They opted instead for a bloodbath over the ballot box. A UN–OAU sponsored accord, fully supported by the resources of both organizations, might have succeeded in appealing to all warring elements or, alternately, in preventing disgruntled parties from launching a program of genocide against their opponents.

It is useful to recall, pending the establishment of an effective UN peacekeeping/peacemaking force, that national and regional security forces have been the principal means to stop genocide and mass murder. The Ugandan government's travesties under Idi Amin were finally ended when Tanzanian forces overturned his government. The wholesale slaughter of East Pakistanis by Muslim co-religious West Pakistani military forces was stopped only by India's intercession. Vietnam's intervention in Cambodia also ended Pol Pot's killing fields. Similarly, the Dayton accords arresting the Bosnia conflict and ethnic cleansing were achieved by NATO forces under UN auspices. Until the massive entry of NATO ground troops to keep the peace, UN peacekeeping forces were unable to stop mass killings, nor were they able to ensure safe havens in Bosnia anymore than in Rwanda before.

Greater UN-regional security alliance cooperation again is no panacea. The principal shortcoming of relying on national forces to stop genocide is that they are not primarily dedicated to international security aims. A great deal of work and confidence building will have to be undertaken to make these cooperative mechanisms work. On the one hand, most regional organizations are weak reeds to lean upon. Many regional organizations, like the OAU, the Organization of American States (OAS), The Organization for Security and Cooperation in Europe (OSCE), or the Association of South East Asian Nations (ASEAN) are scarcely prepared to undertake extensive peacekeeping responsibilities. On the other hand, some, like NATO or a future militarily competent European Union, may be all *too* prepared to conduct such operations. NATO and, specifically, American strategy in intervening in Kosovo has come under sharp attack. Some observers condemn the bombing campaign to force the Milosevic regime to permit the return of Albanian refugees to Kosovo as itself a crime against humanity.<sup>102</sup> Others, like many in Russia across the political spectrum, view the intervention as but another installment of a long-range plan to impose an American hegemony over all of Europe. The bombing by NATO of the Chinese embassy in Belgrade only added to Russian and Chinese fears that the United States through NATO was reinforcing and extending its claim to strategic global dominion.

<sup>101</sup> Betts (1994) forcefully makes this case.

<sup>102</sup> The public controversy surrounding reports that the special international tribunal, established under UN authority to try crimes against humanity committed in the Yugoslavia, was investigating the behavior of NATO forces illustrates the division of opinion about the relying on regional forces for peacekeeping purposes. *New York Times*, January 3, 2000.

## Refugees

Finally, refugees, whether scattered in their homelands or to foreign states, are the inevitable offspring of genocide. The fear for personal security drives people from their homes in a frantic search for self-preservation when they are without the means to resist their assailants. Neither the heroic efforts of nongovernmental aid groups, nor the hastily assembled contributions of states, nor the supportive activities of the UN High Commission for Refugees were prepared for the flood of Rwandan refugees. These agencies were overwhelmed by the immediate and enormous needs for health and sanitation, food, and shelter, occasioned by the abrupt eruption of the genocide and its rapid spread. An added problem in Rwanda was the flight of those responsible for the genocide and their subsequent takeover of refugee camps. Neither the NGOs nor the United Nations was equipped to provide security for the victims of the genocide or those subsequently caught in the civil war crossfire in these camps. As in Somalia, the distribution of humanitarian assistance hinged on the provision of a system of security. In Rwanda, an understrength UNAMIR and a disoriented High Commissioner for Refugees were ill-prepared to furnish these security guarantees.

The thirty years war in Rwanda highlights the problem of refugees as the incubator of genocide and episodes of genocide. These exposed populations pose a threat to international security and human rights. Unless their concerns are addressed by the international community, refugees are compelled to pursue self-help efforts to solve their problems. The “refugee warriors” of Burundi and Rwanda continued their struggles from neighboring states.<sup>103</sup> RPA forces were trained and equipped for combat as a consequence of their participation in the Ugandan civil war. The RPA staged its successful overthrow of Hutu power from Uganda. Now Hutu refugees, many of whom are the perpetrators of 1994 genocide, are fighting in exile against the Tutsi-led Kigali government. Refugees also sustain forces now fighting throughout the Great Lakes region in what are costly but largely ignored interstate cum civil wars.

## Conclusion

The road to the elimination of genocide, like that taken before by the great powers to rid the world of slavery, will be long and hard. Given the powerful incentives, interests, and material resources supporting this practice, it is by no means certain that this road will be successfully traversed. Ending genocide will clearly not end war or armed conflict. Coercion will continue to decide disputes between peoples and states if for no other reason than that the provisional solution to governance of the world society is the nation-state system. It remains a warfare system. This proposal to end genocide or at least to take steps towards its eventual eradication is not aimed at addressing these larger and more intractable shortcomings of governance.

The analogy with slavery aptly describes the limited intent of these proposals to enlist the great powers to end genocide and genocidal practices. For millennia slavery was widely accepted as a legitimate and effective economic practice. Its elimination did not end economic inequality or oppression. Nor were efforts to end this practice directed by these broader aims. Humans have largely excised this economic practice from the processes and organizational structures through which they produce and distribute material wealth. This is not say that slavery in different forms does not persist around the globe. Certainly it persisted well after it was banned by international and domestic law around the globe. What is clear is that its universal condemnation and delegitimization as a civil practice robbed it of the moral and eventually the material support needed to sustain it. Slavery, like genocide, joins the issue of order and legitimacy. As Adam Hochschild observes in his study of Belgium King Leopold’s slave policies: “At the time of the Congo controversy a hundred years ago, the idea of full human rights, political, social and economic, was a profound threat to the established order of most countries on earth. It still is today.”<sup>104</sup>

The long struggle against slavery suggests that no political order is sustainable unless it meets a test of legitimacy. By any reckoning genocide cannot be reconciled with an international order capable of perfecting and replicating itself. As political will is joined progressively to a broadened and deepened moral commitment to an anti-genocide regime, the foundation is laid for the eventual elimination of this practice. The elimination of genocide would not be an inconsequential accomplishment for the human species, any less so than the end of

<sup>103</sup> Halvorsen (1999).

<sup>104</sup> Its practice continued in the Congo under Belgium rule. See Hochschild (1999).

slavery. Raphael Lemkin, who is credited for having first coined genocide as a term, well understood that, while genocide was a new word, it described practices traceable to the emergence of sentient, intelligent human beings. What makes genocide objectionable is its finality. “Genocide,” as Lemkin averred, “was more dangerous than war because the loss in genocide was irreparable.”<sup>105</sup> It is a threat to the species itself and to its collective capacity to perpetuate itself through its differentiated identities and competing moral persuasions in pursuit of order and legitimacy. Implementation of the proposals advanced above to strengthen big power cooperation through the United Nations will not eliminate genocide. Their institutionalization would, however, make its outbreak more difficult—deterring some would-be perpetrators; its damaging effects less severe; and recovery from these genocidal attacks more rapid. Meanwhile, important milestones in big power cooperation will have been passed, opening the way toward further progress on the road to the final eradication of genocide as a civil practice.

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<sup>105</sup> Institute (1999), p. 16. Quoted of Lemkin by Rabbi Steven Jacobs.

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